



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 29, 2010

TO: Mayor and Councilmembers

FROM: Administration Division, Parks and Recreation Department

SUBJECT: Appeal Of Parks And Recreation Commission Approval Of 2010 West Beach Music And Arts Festival

RECOMMENDATION: That Council:

- A. Grant the appeals filed by Tony Romasanta, Owner of Harbor View Inn, and Hilary Kleger, West Beach resident, to overturn the May 19, 2010, Parks and Recreation Commission decision to permit the 2010 West Beach Music and Arts Festival;
- B. Continue the Parks and Recreation Department suspension of permitting large scale music events with amplified sound until a review of related City policies, regulations, and fees is completed; and
- C. Direct staff to proceed with developing necessary policies, regulations, and fee recommendations related to permitting of large special events held on City properties.

EXECUTIVE SUMMARY:

Each year the Parks and Recreation Department permits 80 – 100 community special events in City parks and beaches. The permit process involves months of pre-event meetings and discussions with event coordinators and staff from the Parks and Recreation, Police, Fire, Waterfront, and Public Works departments. The West Beach Music and Arts Festival (Festival), produced by Twiin Productions, is a three-day music event that has been held on West Beach over each of the last three years, with the 2009 event being the largest, drawing 8,000 -13,000 per day. Unfortunately the 2009 Festival was marred by a number of problems as a result of poor event management by Twiin Productions and a lack of City policies and regulations related to events of this size and scope. On February 9, 2010, the Parks and Recreation Department denied Twiin Productions a 2010 event permit, citing that no large scale music events would be permitted until City policies, procedures, and regulations could be reviewed and modified.

Twiin Productions appealed this decision to the Parks and Recreation Commission. At a public hearing on May 19, 2010, the Commission voted 3-2 to grant the appeal and allow a permit for the 2010 Festival. On Tuesday, June 1, 2010, the City Clerks Office received

two appeals of the Parks and Recreation Commission decision citing a number of issues from Tony Romasanta, owner of the Harbor View Inn, (Attachment 1) and Hilary Kleger, a West Beach resident (Attachment 2).

This staff report recaps the reasons for the Parks and Recreation Department's denial of a 2010 Festival permit, the Parks and Recreation Commission appeal outcome, and appeal issues raised by Mr. Romasanta and Ms. Kleger.

DISCUSSION:

Background

Each year the Parks and Recreation Department permits 80 – 100 community special events in City parks and beaches. The permit process involves months of pre-event meetings and discussions with event coordinators and staff from the Parks and Recreation, Police, Fire, Community Development, Waterfront, and Public Works departments. The Department's Special Event Application, an extensive document, provides information on rules, regulations, and requirements for conducting the event. Applications are submitted six or more months in advance, to allow adequate time for reviewing and preparing for the event.

The Park Permit includes very specific terms and conditions for how, when, and where an event will be conducted. Depending on the type of event, a number of other permits may be required as part of the Park Permit, such as electrical and building permits from the City Building Official, health permits from the County Health Department for food preparation and sales, alcohol sales permits from the California Department of Alcoholic Beverage Control (ABC), Coastal Development Exclusion from the Planning Division, vending permit from Finance, and a fire permit from Fire. Examples of other permit requirements include providing a detailed site map for approval, Police Officer Request, Street Closure/Parking Restriction Waiver/No Parking permits, certificate of insurance, security guard services, trash/recycling/portable toilets, sound monitor, and neighborhood notification.

As most events are returning events, extensive debriefings with event coordinators and City staff are conducted following the event. What worked well and what did not is reviewed and recommendations for new or modified permit requirements are identified for the following year's event.

The Festival produced by Twiin Productions, is a three-day music event that has been held on West Beach over each of the last three years, with the 2009 event being the largest, drawing 8,000 -13,000 per day. Unfortunately the 2009 Festival was marred by a number of problems as a result of poor event management by Twiin Productions both prior to and during the event. The City received an extraordinary number of complaints, particularly noise complaints, from residents and businesses in the West Beach and Waterfront areas, and from as far away as Montecito, Summerland and Carpinteria. Other

problems included insufficient security for crowd control, reports of excessive alcohol and drug use, ineffective alcohol management within the event, and a failure to meet City permit terms and conditions.

Parks and Recreation Department Denial of a 2010 Festival Permit

Despite months of planning meetings between Twiin Productions and City staff, the 2009 Festival generated an extraordinary number of noise and nuisance complaints, more than any other one event in the collective memory of City staff. The Police Department raised serious concerns about public safety and excessive alcohol and drug use during the event, and questioned whether the event should be allowed to return. Twiin Productions failed to appropriately manage the event and comply with permit terms and conditions. Staff also noted that the 2009 Festival was the largest event held in a City park or beach in terms of the number of people in one place at one time. Given the size and scope of the event and resulting problems, staff determined that City policies and regulations were not sufficient to ensure safe conduct and effective management of such events on City property and should be reviewed prior to permitting of another Festival event.

On October 9, 2009, a debrief meeting was held with Twiin Productions and staff from the Public Works, Police, Fire, Waterfront and Parks and Recreation departments. The comprehensive review addressed aspects of the event that worked well, and what did not. The greatest concerns communicated to Twiin Productions were those related to failure to abide by permit terms and conditions; unacceptable management of amplified music; inadequate security for crowd control and unacceptable alcohol management (which resulted in an increased and unplanned need for police resources); distribution and fraudulent counterfeiting of Waterfront Parking permits by Twiin Productions staff and their vendors; and unacceptable neighborhood impacts. At this meeting, the Parks and Recreation Director informed Twiin Productions that these issues would likely result in policy changes by the City which would affect future events, and that it was also possible that the event would not be permitted in the future.

In the months following the Festival, the Parks and Recreation Department received two separate inquiries about permitting similar types of music events in the Waterfront area. Upon further review and discussion with various departments, and in concurrence with the City Administrator, the Parks and Recreation Director notified Twiin Productions on February 9, 2010, that the City would not be permitting any large scale music events until an evaluation of City policies related to large scale music events and amplified sound was completed.

Twiin Productions appealed that decision to the Parks and Recreation Commission, and requested that the Commission allow a park permit for the 2010 West Beach Music and Arts Festival.

The staff report for the May 19, 2010 Parks and Recreation Commission (see Attachment 3) goes into significant detail about the various problems with the 2009 Festival and concerns experienced with Twiin Productions, and includes copies of complaints received by the City related to the 2009 event, and a large number of public comments about the event. Although a number of unacceptable conditions associated with the 2009 event are discussed in the Commission staff report, the most egregious were:

1. Security Services: Twiin Productions failed to plan and provide appropriately certified and licensed security services. Most important was Twiin Productions' failure to effectively manage the multiple security providers hired for the event and the failure of those hired personnel to perform competently. According to the Police Department, the lack of management resulted in unauthorized alterations to the beer gardens, ineffective security at the entrance/exit and perimeter of the beer gardens, and reports of excessive marijuana, alcohol use, and underage drinking.
2. Sound Management: On each of the three event days, Twiin Productions failed to supervise the sound company to ensure that the sound stayed within allowable limits, despite repeated direction from staff to do so, beginning Friday night.
3. Alcohol Management: Twiin Productions failed to abide by permit terms and conditions and provide appropriate alcohol management as required by the Alcohol Beverage Control and City Parks permits (also cited in 2007 and 2008). Specifically, they failed to supervise the beer garden in a manner necessary to prevent underage attendees from having access to the beer garden and to supervise alcohol servers to prevent service to persons who were clearly intoxicated.
4. Fraudulent Use of City Property: Twiin Productions fraudulently duplicated Waterfront Parking permits, which is considered theft of City property. Waterfront staff confiscated approximately 26 counterfeited permits. An investigation by the Department determined that the counterfeited permits were widely distributed and used during the event.
5. Event Management: Staff has serious reservations related to event management performance by Twiin Productions, calling into question whether the applicant can abide by the terms and conditions of their City special event and other permits. Over the past three years, despite numerous, lengthy planning meetings and discussions with staff, Twiin Productions has failed to comply with event permitting conditions and to follow through on commitments they have made for how the event will use City facilities and privileges. This has created unanticipated negative outcomes, frustration, and additional work for City staff.

Twiin Productions has commented that over the previous two years they have responded to problems by making changes to the following year's event. Staff's concern is that a promise to improve in the future may not be sufficient, noting that

many of the 2009 issues would not have occurred with appropriate on-site management of the event. In comparing the number of incidents discussed above related to Security, Alcohol Management, and Sound Management, the Police Department indicates that the level of incidents is an anomaly compared to what is normally encountered at other events. In their experience, event organizers of more successful events are more directly involved in the oversight and management of security and alcohol services, which prevents many of these problems from occurring.

6. Business Practices and Credibility: Concerns have been raised about Twiin Productions' business practices and credibility. The check used as payment to the Waterfront Department to reimburse for the counterfeited Waterfront parking permits was returned for non-sufficient funds in the account. Eventually, a cashier check was required and submitted to cover the payment. Payments for Police services have been late by as much as 120 days or more. It should also be noted that each year staff has been contacted by Twiin Productions' event vendors about non-payment of their bills by Twiin Productions. (This has never occurred with other events the City has worked with.)

Other concerns include the excessive use of profanity which is, in staff's view, inappropriate for a family-friendly venue and clearly heard by others outside of the venue; and, neighborhood impacts related to parking, alcohol and marijuana related behaviors, public urination, vandalism and trash.

Parks and Recreation Commission Decision to Allow 2010 Festival Permit

At their special meeting on May 19, 2010, the Parks and Recreation Commission heard from staff, the appellant, and a large number of members of the public. Staff from the Parks and Recreation, Police, and Waterfront departments reviewed the rationale for denying the permit, and the recommendation that the Commission deny the appeal and uphold the staff decision to not permit the 2010 Festival. Twiin Productions contested some of the staff positions and acknowledged others, and outlined a number of improvements they would implement for 2010.

On a 3-2 vote the Commission granted the Twinn Productions appeal and voted to allow a Twiin Productions a permit for the 2010 Festival with the following three conditions:

- A reduction in the maximum attendance from 13,000 to 8,500 people
- A reduction in event hours (Friday from 4:00 pm to 10:00 pm, Saturday from noon to 10:00 pm, Sunday from noon to 7:00 pm versus 10:00 pm)
- A requirement that Twiin Productions hire a professional acoustical consultant.

A copy of the meeting minutes is attached (Attachment 4).

The Commission acknowledged many of the problems associated with the 2009 event, concerns related to Twiin Productions management of the event, and the need to revisit City policies related to permitting of large special events. However, the majority of

commissioners felt that it was not appropriate to deny a 2010 event permit given Twiin Productions proposed plans to improve the 2010 event, and the potential business impacts to Twiin Productions and local businesses. Other Commissioners indicated that that City policy issues should be addressed prior to permitting any large scale music events, especially given the two pending applications for similar event, and expressed concern about all the items that the Commission was not addressing related to the event permit.

Appeal Issues

The two appeal requests contesting the decision by the Parks and Recreation Commission were submitted by Tony Romasanta and Hilary Kleger on June 1, 2010. They based their appeals on five issues they believe were not addressed by the Parks and Recreation Commission in their decision to allow the 2010 Festival permit.

The appeal issues are discussed below. Comments listed as being from the Commission are those expressed by the Commission during their hearing. Staff comments summarize the appeal issues and include a staff perspective.

1. The Parks and Recreation Commission failed to address the numerous serious issues identified by Parks and Recreation, Police and Waterfront department staff related to Twiin Productions and the 2009 Festival, such as security, sound management, alcohol management, neighborhood impacts, etc. (Cited by Romasanta and Kleger)

Please refer to the May 19, 2010, staff report to the Parks and Recreation Commission which discusses at length problems with Twiin Productions 2009 performance such as failure to provide adequate security, alcohol management, sound management, and fraudulent use of City property. At the appeal hearing, Twiin Productions cited a number of steps they planned to incorporate into a 2010 event, including:

- Security Services: Jeremy Pemberton stated they would triple their security budget, hire an appropriately qualified and experienced security firm and, at a minimum, double the number of hired security personnel. To address communication concerns cited by staff, he said they plan to establish an on-site City staff "command center" and pay to have City management staff on site during the event.
- Sound Management: Mr. Pemberton said that they will hire a professional acoustic consultant/sound engineer to develop a comprehensive sound management plan in order to comply with all City regulations. He stated that they will add sound level compliance language with fiscal consequences to their artist contracts, and/or a decibel "limiter" to constrict the volume.
- Alcohol Management: Twiin Productions did not make any specific recommendations to improve alcohol management other than security above.

- Profanity, Curfew and Marijuana Use: Jeremy Pemberton indicated that they will add a “morals clause” to their artist contracts to mitigate this in the future.
- Neighborhood Concerns: Joshua Pemberton said that they will develop a specific neighborhood impact plan and traffic plan for the 2010 event and a West Beach Resident and Hotel Protection Plan. The plans will include barricades manned with event staff which will restrict access into neighborhoods, signage, and residential permits that would require driver licenses with appropriate addresses and hotel credentials for access.
- Other Concessions: Twiin Productions stated they will pay the City ten percent of gross sales from event concessions as provided for in the City’s Policy on Special Events held in the City’s Waterfront, Beaches and Beachfront Parks, and they will add a venue fee of four dollars per ticket which will go directly to the City.

Commission Comments

The Commission asked many questions and expressed concern about security, the need for additional police resources, increased police service calls, underage drinking and problems with the beer garden, failures to effectively manage sound from the venue, and neighborhood issues. Commissioners expressed concern about whether there was enough time to plan the event and have policies in place to ensure public safety.

In the Commission action on May 19, 2010, they reduced the capacity of the 2010 Festival from 13,000 to 8,500, reduced the event hours by ending the music at 7:00 pm on Sunday, and required Twiin Productions to hire an acoustical sound engineer to insure that sound issues will be minimal. Although they recognized that there were many issues that needed to be worked out with staff, and expected that would happen, the Commission did not take any specific actions to address other issues.

Staff Comments

The Parks and Recreation Commission partially addressed the concerns identified in Appeal Issue #1. Reducing the capacity of the 2010 event to 8,500 and ending Sunday music by 7:00 pm will likely address some of the neighborhood and public safety concerns just by the nature of a smaller, more easily controlled event. However, many specific issues were not addressed in the Commission action, such as how to assure compliance with permit terms and conditions particularly given staff’s concerns related to Twiin Productions event management performance, fee changes, or any of the proposals that Twiin Productions mentioned in their presentation.

Staff reviewed the two very brief concept papers submitted by Twiin Productions to the Commission, the “Waterfront Parking, Vehicle Traffic, and Cost Recovery Plan,” and the “Resident and Hotel Protection Plan.” As of this date, staff has not received

copies of the actual plans so there is no way to know to what degree the plans are workable or whether they will effectively mitigate the negative impacts experienced in 2009.

- 2. The inadequacy of city policies and regulations related to managing events of the size and scope of the 2009 Festival are apparent. This needs to be addressed prior to permitting of any further events, especially as staff report that they have received two inquiries for permitting of similar events. (Cited by Romasanta and Kleger)***

Mr. Romasanta specifically cites the lack of policies to deal with excessive noise over three days and long hours; lack of security deposit procedures to pay for unanticipated Police costs or other staff costs related to the event; no procedures in place to pay expeditiously for City or adjacent property owners claims for damage or to compensate hoteliers for patrons who move out due to excessive noise; and no adequate compensation to the City for a “for profit” event renting West Beach exclusively for 10 days. Kleger specifically cites that during the event the City did not have strong enough policies in place to hold Twiin Productions accountable.

Commission Comments

Commissioners concurred with the need to develop stronger policies to manage large events and to hold event producers accountable, saying that it is frustrating that the City permits an event that has public safety and public impact concerns yet has no way to control it once it starts. Several commented that issues need to be addressed in a serious policy discussion before another large event occurs, noting that the City has received two inquiries to permit similar types of events in the waterfront area which could present many of the same challenges.

Commissioners also commented on the need to revisit the City’s fees and charges related to large special events, particularly those operated by for-profit businesses. One stated that the fee schedule for the use of West Beach is grossly inadequate, noting that the Festival is a multi-million dollar event, and aside from reimbursement for City services like police, the City’s revenue was \$6,815.

While some Commissioners felt strongly that the policy work should take place before permitting of any more events, the majority of Commissioners did not feel it was fair to delay the West Beach Music and Arts Festival until policy discussions were completed, due to Twiin Productions business interests and potential benefit to the community. The Commission decision does not reference any policy changes related to the 2010 Festival.

Staff Comments

Staff concurs with the appellants' position on Appeal Issue #2, that City policies and regulations governing large special events should be reviewed before permitting the 2010 Festival or other similar large scale events with amplified sound. The Commission action did not take this into consideration.

Staff has been aware for some time that the City policies and regulations related to noise and sound management could be improved. However, with the challenges presented by the 2009 Festival, staff feels that it is imperative to revise the City's Noise Ordinance to better address the unique challenges presented by large special events, and add policy requirements that insure conformance with those ordinances. Further, in talking with the Santa Barbara County Bowl, it may be appropriate for the City to hire an acoustical sound engineer or consultant to advise the City on managing sound in the various venues where most large special events take place.

Additionally, policies need to include penalties for non-compliance. Staff believes that the City should consider a revised fee structure for for-profit events so that fees recover more of the City's costs associated with planning, permitting, policing, and overseeing the event, particularly for for-profit events.

Although Mr. Romasanta comments that the City should have a policy to insure reimbursement to local businesses for property damage or losses that is not the City's role. However, the issue is discussed further in Appeal Issue #4.

- 3. The impact of this event on West Beach businesses and residents was not adequately considered in the Commission decision. (Cited by Romasanta and Kleger) Ms. Kleger further cited insufficient public outreach by the City related to the event and insufficient notification to West Beach residents of the May 19, 2010 Commission appeal hearing.***

Commission Comments

The Commission reduced the size and scope of the 2010 event which will reduce impact to West Beach residents and businesses to some degree. Commissioners commented that the concerns of neighbors and local businesses had not been adequately addressed for the 2009 Festival. They stated that they expect Twiin Productions to work with the hotel owners as they also bring income into the City, and to protect neighborhoods from the problems associated with the 2009 event.

Staff Comments

Staff concurs with the appellants on Appeal Issue #3 in that the Commission addressed this appeal issue in a limited way by their decision to reduce the size and scope of the 2010 event. However, they did not include any specific conditions related to mitigating neighborhood impacts.

Also in Appeal Issue #3, Ms. Kleger comments that there was insufficient public outreach by the City related to the event and insufficient notification to West Beach residents of the May 19, 2010, Commission appeal hearing. The City does not routinely notify residents in surrounding areas about an upcoming special event. In rare instances where access to homes might be impaired, such as a road race, notices are sent to residents informing them of what will be occurring. With regard to public notice about the Commission Appeal Hearing, staff sent out press releases which were picked up by all the local print and news media. Stories appeared in several papers and television stations. Although the Commission does not have specified requirements for noticing this type of appeal hearing, staff exceeded the requirements for Planning notifications by mailing notices to the waterfront and neighboring business and residences within 500' of West Beach. Also, to encourage more participation by the public, the Commission meeting was held at 7:00 pm.

- 4. West Beach is not an appropriate venue for this type of event, or an event of this size and scale, due to the significant impact on area businesses and residents. Ms. Kleger notes that the city needs to research the implications of allowing large festival to occur in a residential area with very limited parking. Mr. Romasanta says that unlike other successful events that occur at West Beach, this event was not family oriented, and subjected residents, visitors and businesses to "onerous, offensive" loud music and profanity for so many hours over a 3-day period. He also speaks to event size, noting that the AVP draws about 4,000 people and that the first year of the West Beach Festival it was a one-day event that drew 1,000 people with few impacts to surrounding areas.***

Commission Comments

Although the general consensus of the Commission was that the 2009 West Beach Festival event was too great of an impact given the sound management problems over the three days and music going until 10:00 pm each night, there was not a consensus that West Beach was an inappropriate venue for this type and size of event. One Commissioner felt that a two-day event with a capacity of 4,500 was more appropriate, while another Commissioner suggested a two-day event with 10,000 people. Ultimately the Commission reduced the capacity to 8,500, which is what the festival drew in 2008, and they reduced the hours of the event by concluding at 7:00 pm on Sunday.

The Commission recognized the need to have a policy discussion about the size, frequency, and intensity of events allowed at West Beach and other park and beach venues so as to not overly impact neighbors.

Staff Comments

The Commission did discuss the appropriateness of West Beach for an event of this size and scale. Clearly the size and scope of an event determines the degree to which traffic and parking are impacted, and by reducing the 2010 event the Commission acted to reduce some of the neighborhood impact. Parking and traffic issues are a challenge faced by all events held in the waterfront area, addressed by comprehensive event mitigation plans which are thoroughly vetted and approved by staff. However, the Commission did not specify that the Festival should have such a plan in place or add any requirements related to mitigation of neighborhood impacts other than sound.

5. ***There were credibility issues with Twiin Productions performance which should have been given greater consideration, i.e., 3-year history of disregard for City policy and permit terms and conditions, failure to maintain sound compliance as directed by staff, and fraudulent duplication of Waterfront parking permits.***

Commission Comments

Commissioners acknowledged that the Festival was popular and well-attended, and that it is potentially a great event. However, they also talked about poor event management by Twiin Productions that led to the problems experienced with the 2009 event. They noted that for this large of an event, the management experience required by the City didn't happen and many of the details were missed. They also acknowledged that there are trust issues related to Twiin Productions ability to fulfill their obligations as they say they will. They expressed concerns about the position of Twiin Productions which seems to be "we made a mistake, we will fix it next year," and emphasized the importance of pre-planning.

Commissioners referred to Twiin Productions' failure to abide by the sound requirements, calling it irresponsible, and questioned why actions were not taken to mitigate the issues as they occurred. The same comment was made related to beer garden supervision and underage drinking. Commissioners commented that once permit violations were brought to event management's attention they should have been rectified and not required staff follow up later in the event. They emphasized that Twiin Productions is in charge of what occurs in their venue once the event starts and bad decisions are their responsibility.

Staff Comments

Staff concurs with the appellants on Appeal Issue #5. Although the Commission acknowledged problems with Twiin Productions' credibility and event management performance, they did not take any action to address how those concerns would be mitigated for the 2010 event.

Staff has serious reservations about Twiin Productions' credibility, event management performance, and their ability to meet permit terms and conditions. Throughout the months long planning process, Twiin Productions routinely missed deadlines which resulted in staff having to adjust workloads to meet short turn timelines in order to review application/permit submittals. Most of the issues with the 2009 event could have been significantly mitigated through effective planning and event management. For example:

- As a professional concert promotion company, Twiin Productions should have anticipated the need for a higher caliber, more experienced security firm and made those arrangements far in advance.
- Similarly, Twiin Productions should have incorporated language into their vendor and artist contracts to ensure compliance with City permit terms and conditions, as other concert promoters do.
- During the event, pro-active supervision of security personnel and the beer garden when problems were first brought to their attention would have reduced the occurrences of underage and excessive drinking and insured they met the conditions of their City and ABC permits.
- An immediate and sustained improvement in sound management when problems were first identified would have eliminated similar problems and the many public complaints received throughout Saturday and Sunday.

Twiin Productions' staff and their vendors produced counterfeit parking passes, which is considered a theft of City property. Twiin Productions failed to take action to appropriately manage their event to meet City regulations. A failure to appropriately manage a large special event like the West Beach Music and Arts Festival with 13,000 attendees creates a significant risk for all involved. Luckily, nothing unfortunate happened beyond public noise and nuisance complaints.

RECOMMENDATION

Staff recommends that Council grant Mr. Romasanta's and Ms. Kleger's appeals of the Parks and Recreation Commission May 19, 2010, decision to deny the 2010 permit for the West Beach Music and Arts Festival. Given the significant problems experienced with the 2009 Festival, and the fact that the Department has had inquiries about permitting two similar types of events in the waterfront area, staff believes a review of City policies, regulations, and fees relating to large scale music events should precede further permitting of the West Beach Music and Arts Festival or similar new events.

If Council should decide to deny Mr. Romasanta's and Ms. Kleger's appeals and let the Parks and Recreation Commission decision to permit a 2010 Festival stand, then staff recommends that Council include in the decision:

1. Reduce the size and scope of the event as follows:
 - a. At the recommendation of the Police Department, limit the event to day time hours only; concluding all days at 7:00 pm,
 - b. To reduce impact on surrounding neighborhoods and businesses, restrict the event to two days, and
 - c. Consider reducing the maximum capacity similar to that of the AVP Tournament (4,000).
2. Approve the attached fee schedule for the 2010 West Beach Music and Arts Festival and direct staff to finalize permit conditions and liability insurance requirements consistent with the attached Preliminary Park Permit Terms and Conditions for the 2010 Festival. Notable changes from the 2009 event include:
 - a. Fees: Notable fee changes include penalty fines for failure to meet deadlines or non-compliance with permit terms and conditions, increased City staffing requirements, vendor fees or percentage of sales for food and beverage concessions, an offer by Twiin Productions to pay City a facility fee per ticket (potential of \$97,729 at full capacity), increased security deposits, and pre-payment of all fees due to the City in advance of the event (total of \$211,168).
 - b. Permit Terms and Conditions: Significant enhanced requirements relating to security, alcohol management, sound management, neighborhood impacts mitigation and City staff requirements prior to and during the event.
3. With the exception of the 2010 West Beach Music and Arts Festival, continue the Parks and Recreation Department suspension of permitting large scale music events with amplified sound until a review and update of City policies, regulations, and fees is completed.
4. Direct staff to proceed with developing necessary policies, regulations, and fee recommendations related to permitting of large special events held on City properties.

BUDGET/FINANCIAL INFORMATION:

Expenses and revenues from the West Beach Music and Arts Festival are budgeted in the Fiscal Year 2011 Parks and Recreation, Police, Waterfront, Fire, and Public Works budgets. Not all staff expenses are recovered through fees paid by the event. In particular, the staff costs related to working with the event producers to plan and oversee the event are not currently recovered through fees. In general, permit fee revenue has been budgeted at the 2009 event level with minor exceptions.

- ATTACHMENTS:**
1. Appeal filed by Tony Romasanta, Owner, West Beach Inn
 2. Appeal filed by Hilary Kleger, West Beach Resident
 3. Parks and Recreation Commission Staff Report, dated May 19, 2010, Subject: Twiin Productions Appeal of Parks and Recreation Department Denial of a Permit for the 2010 West Beach Music and Arts Festival w/o attachments
 4. Parks and Recreation Commission Minutes, May 19, 2010, Special Meeting
 5. Draft 2010 West Beach Music Festival Permit Conditions
 6. Draft Proposed West Beach Music Festival 2010 Fee Schedule

Attachments to the Parks and Recreation Commission Staff Report, dated May 19, 2010, (Attachment 3) are available in the City Clerk's Office for public review.

SUBMITTED BY: Nancy L. Rapp, Parks and Recreation Director

APPROVED BY: City Administrator's Office



RECEIVED

JUN - 1 2010

June 1, 2010

CITY CLERK'S OFFICE
SANTA BARBARA, CA

Mayor, and City Council
City of Santa Barbara
City Hall
De la Guerra Plaza
Santa Barbara, California 93101

Re: Appeal of the decision of the Parks and Recreation
Commission to allow a music festival at West Beach
in September, 2010.

Dear Mayor and Council:

1. Name of body whose decision is being appealed, and date of meeting at which decision was made:

This is an appeal from the Parks and Recreation Commission's hearing on May 19, 2010, granting a permit to Twiin Productions for a 3-day musical event to be held on West Beach on September 24, 25 and 26, 2010.

2. Description of decision being appealed:

The decision of the Commission upholding the applicant's request for a permit with a majority approving the requested permit, 3 to 2, limiting attendance each day to 8500, with hours of music operation on Friday from 4 p.m. to 10 p.m. (6 hours), Saturday from 12 Noon to 10 p.m. (10 hours) and Sunday from 12 Noon to 7 p.m. (7 hours). The Commission also conditioned the permit upon Twiin Productions' hiring a sound consultant, but imposed no directions.

3. Grounds claimed for the appeal and identifying in particular all significant issues, facts and affected parties:

Overlooking Sterns Wharf..

28 West Cabrillo Blvd. • Santa Barbara, CA 93101 • Telephone (805) 963.0780
Fax: (805) 963.7967 • Toll Free Reservations: (800) 755.0222
www.harborviewinnsb.com



A. The Parks and Recreation Commission failed to deal with the numerous serious issues detailed in the written recommendation for denial of the West Beach Music Festival made by Nancy Rapp and her staff, as well as the issues raised in the oral testimony and videos presented by Police Chief Sanchez and Sgt. Riley Harwood, and John Bradley of the Waterfront Department, as well as each and every one of the Commissioners. They simply left the problem to you. An honest appraisal of what Parks and Recreation's staff was telling everybody, and everybody admitted, was that they do not have the policies and regulations in place for an event of this size and hours at this venue. They said they needed time to develop them, especially since there were two other requests for similar activities.

B. Background.

Many successful events occur every year on West Beach that bring business to Santa Barbara, like this festival would. For comparison purposes, we have had the West Beach volleyball tournaments, drawing between 500 to 3,000 people for 4 days with hours of operation from 8 a.m. to 6 p.m. We have had Harbor fish festivals, Christmas Light Boat Festivals, and Fourth of July fireworks activities. All of these activities are essentially family oriented.

The Music Festival has three years of experience, starting as a 1-day family affair in 2007 with attendance of 800 to 1,000. No problems.

In 2008, it became a 3-day event with longer hours and greater attendance. There were considerable problems, which we complained of in writing to the Parks and Recreation Department and to the promoters, with promises from the promoters that the problems would be dealt with in the future.

In 2009, it again was a 3-day event, ending on Friday, Saturday and Sunday at 10 p.m., even though page 3 of the Parks and Recreation Commission Report indicates it ended at 8 p.m. on Sunday. The City has never had so many complaints from adjacent property owners and people as far away as Montecito for excessive noise, damage to property and an out-of-control drunken mob as described by the Police

Department both in the newspapers and orally. There was not only damage to private property, but to public property, and admittedly fraudulent parking permits. Requests made by the Parks and Recreation staff to turn down the noise volume were repeatedly ignored.

There were problems relating to insufficient security for crowd control, reports of excessive alcohol and drug use, and ineffective alcohol management within the event, with inadequate control of patrons going in and out of the Beer Garden, apparently generating underage alcohol use. The failure to comply with the City's terms and conditions of the permit are outlined in detail in the Staff's recommendations.

None of our traditional events at West Beach has caused such an extraordinary number of violations and complaints.

The Parks and Recreation Department have set forth, in writing, indisputable details on the issues and reasons why they denied a permit to Twiin Productions for the 2010 Music Festival. There was also oral testimony by the Chief of Police, Sgt. Harwood, Parks and Recreation personnel, and affected property owners supporting the Parks Department recommendation.

On February 9, 2010, Twiin Productions was told by staff that the City would not be permitting any large scale music events until City policies related to such events could be evaluated and updated for an event of this scale.

I cannot improve on the factual narration in that written recommendation dated March 19, 2010, and urge you to read it. A copy of it is attached as EXHIBIT A. Attached as EXHIBIT B is a letter written by the undersigned to Parks and Recreation dated February 10, 2010, setting forth complaints of adjacent property owners.

The City of Santa Barbara is the owner of the subject property in a proprietary sense-a landlord-and thus has the power and the legal responsibility to deal with these issues since it is the primary permitting agency in a governmental stature. The State Alcohol Beverage Control agency issues

the alcohol use permit, but only if the City of Santa Barbara, through its Police Department, approves the use of alcohol with terms and conditions in addition to all the permit conditions in place.

C. The issues that the Parks and Recreation Commission failed to address that must be addressed, and are the reasons for this appeal, are:

- (1) Admittedly there are no written policies in place for events of this type, size and scale at West Beach.
- (2) Insufficient security for crowd control.
- (3) Appropriate control of excessive alcohol and drug use, which admittedly was ineffective alcohol management within this event in 2009.
- (4) Repeated failures and refusals to meet the City's permit terms and conditions.
- (5) No adequate policies, regulations and procedures to deal with excessive noise created by music over three days and long hours.
- (6) No security deposit procedures are in place at this time to pay for anticipated Santa Barbara Police costs for this event or for any staff costs involved at this event.
- (7) No procedures and policies in place at this time to process and pay expeditiously both the City of Santa Barbara and adjacent property owners' claims for physical damage to their property, like shrubbery, signs, broken windows, cost of additional security to protect their property and parking, and to compensate for patrons who move out because of excessive noise.
- (8) There is no adequate policy in effect to determine adequate compensation to the City for renting on an exclusive basis an area of West Beach for 10 days for profit-type events.
- (9) Input from the Waterfront Department regarding parking availability at the waterfront lots. There is a lack of policies and procedures on how to deal with significantly increased traffic into this area for a 3-day weekend as well as the exodus from this area at night, which could include many who are drunk.

- (10) There is a significant issue of credibility to anything these promoters might say or promise unless it is backed up by policies and procedures that have sanctions and teeth that are meaningful. Mentioned by the Waterfront Department were the fraudulent, forged parking permits that Twiin Productions admitted was done by their office. They refused to reduce sound levels when asked to do so by City staff. They failed to control the ins and outs of the Beer Garden, allowing obvious excessive underage drinking. One incident of injury to a police officer or a member of the public will involve claims that could easily run into the millions of dollars, which the City, as the property owner, will no doubt be involved in. What should be a security deposit for reasonable costs and damages? The Council may wish to examine a real, foreseeable incident of injury or death where the awards could be in the millions.
- (11) The West Beach area is immediately surrounded by many residences and businesses. The onerous, offensive, loud music and profanity for so many hours over a 3-day period raises the question of at what point is this noise an illegal trespass to the people and properties surrounding this event. The Council may want to examine and protect the legal rights that do exist for the individuals inhabiting a home, an apartment, a motel, or a boat, or are walking by.
- (12) There are two other requests for similar activities at West Beach with no policies or procedures in place. If you allow one, you must allow the others.

I hereby request that the Council consider these major issues that were not addressed by the Commission, which I most respectfully suggest was their role and function. Please reverse the recommendation of the Parks and Recreation Commission and give staff sufficient time to create appropriate policies and procedures that involve very complex technical and public safety issues encompassing many departments.

As Chair BeeBe Longstreet said to Twiin Productions, "Congratulations. You have become such a success that you have outgrown this venue."

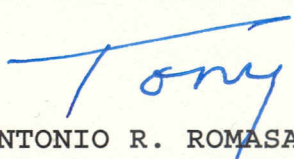
Incidentally, the Santa Barbara County Bowl has a capacity of approximately 4,500 and has traditionally been the venue for world-famous concert givers for as long as I can remember. Crowd control, parking, restroom facilities, noise control and containment, and alcohol control have all worked very well at this venue for a number of years. The same cannot be said of the West Beach area.

I would like to be an active, helpful participant in the process of developing those policies and rules that will, in the long run, benefit not only future music festivals, the surrounding West Beach residents and businesses, but also the entire community.

Very truly yours,

THE HARBOR VIEW INN, APPELLANT

By:


ANTONIO R. ROMASANTA
General Partner

800 Garden Street, Suite K
Santa Barbara, California 93101
Telephone: 805-564-3306

ARR/abs
Enclosures

Cc: Mayor and Council Members
Nancy Rapp, Parks and Recreation
James Armstrong, City Administrator

RECEIVED

ATTACHMENT 2

JUN - 1 2010

5:10 pm ST

CITY CLERK'S OFFICE
SANTA BARBARA, CA

Date: May 28, 2010

To: Santa Barbara City Council

Re: West Beach Music Festival

Appeal: Decision by Santa Barbara Parks and Recreation Commission on Wednesday
May 19, 2010.

Dear Santa Barbara City Council,

I respectfully request an appeal of the May 19 2010 decision by the Santa Barbara Parks and Recreation Commission to overturn the well-researched and educated decision by Santa Barbara City Parks and Recreation Department staff to deny an event permit to Twiin Productions for another West Beach Music Festival. I request that the Santa Barbara City Council grants an appeal of the Parks and Recreation Commission to grant Twiin Productions a permit for their West Beach Music Festival. There is ample evidence and concern raised from community members, business owners, and City of Santa Barbara staff including the Parks and Recreation Department, Santa Barbara Police Department and the department of the Harbor that demonstrates that Twiin Productions should not be allowed to continue with their music festival in the West Beach location. As a resident of the West Beach area of Santa Barbara, I witnessed and experienced many of the concerns raised by residents, city staff and business owners.

Reasons for the Appeal:

- City Staff provided ample evidence to support their decision in denying the permit, including reports from Parks and Recreation and the Police Department.
- There was a huge impact on local residents and hotels in the area, yet very little public input requested by the City.
- West Beach residents and business owners didn't receive adequate notice about the appeal so many were unable to participate in the public process.
- There were hundreds of complaints from last year's event by residents and business owners – as far away as Summerland related to noise, parking (263 parking citations), excessive traffic, urination on streets and property as well as property damage.
- There were numerous safety concerns including lack of security pat-downs, security officers without proper underage drinking and excessive drug use, alcohol wristbands "stolen" and lack of enough security for the event type (SBPD had to hold over or call in an additional eighteen (18) officers on the Sunday of the festival. They wrote 67 citations and made 2 arrests.
- There were violations of the noise plan – including exceeding the decibel allotment each night.
- Twiin Productions has done this event 3 years in a row, yet they continue to disregard City policy.

- The City of Santa Barbara is liable for the safety of its citizens and the potential liability outweighs any potential fiscal benefit.
- There is no proof of any fiscal benefit to the City of Santa Barbara. Staff reported that last year's event permit for all three days was less than \$7,000. The target audience of the West Beach Music Festival is not spending money in local hotels and restaurants and local hotels and restaurants can attest to that fact.

City staff reviewed documentation from the event, Santa Barbara Police Department, the Harbor and members of the business and residential community and concluded that they should not allow another large music event at this time. This is the most intelligent and prudent decision as there is an incredible amount of documentation proving that the previous West Beach Music Festivals put on by Twiin Productions violated City policy and created a public safety issue. Twiin Productions requested and was given an opportunity to appeal to the Parks and Recreation Commission. I don't believe there was sufficient notice to the community impacted by this large and unruly event. I request that an appeal be made to the Santa Barbara City Council to review the documentation from the residents, hotel owners, Santa Barbara Police Department and other interested parties.

Specifically, the concerns with the West Beach Music Festival are two-fold. First, the city was and continues to be woefully unprepared to create oversight for an event of this scale. There were many concerns brought forth by residents and business owners prior to the event last year including safety, noise and policy. During the event, it was apparent that the city did not have strong enough policies in place and was unable to hold Twiin Productions accountable to the policies that existed. As a result, there were numerous safety concerns and the production company ignored the policies particularly in relation to safety, noise and parking. Secondly, since Twiin Productions has a history of deliberately disregarding city policy and the concerns of the nearby residents and businesses, they should not be allowed to continue to do business with the City of Santa Barbara. They have asked for a "second chance" but there have already proven in the last two festivals that they have no respect for the city policies. They ignored the sound plan – as weak as it was, provided minimal security and they even admitted to forging City of Santa Barbara documents.

I believe the Parks and Recreation Commission was woefully irresponsible in voting to allow Twiin Productions a permit when it goes against the wisdom of the City of Santa Barbara staff – particularly the Parks and Recreation staff and the Santa Barbara Police Department that have had to respond in the past. In addition to city residents and businesses having a right to quiet enjoyment of their property, there is a liability concern for the city. Why should the City of Santa Barbara allow the city's residents and city coffers to be at risk for a "for-profit" entity that has a strong record of ignoring city policy?

I absolutely believe the city needs to research the implications of allowing large festivals to occur in a residential area with very limited parking before allowing any further events to happen – beginning immediately. I'm alarmed that the commission has voted to allow 8,500 people a day and says that there are 3 other permit requests in for events of this size.

I strongly believe Twiin Productions has had enough chances and enough is enough. I strongly advocate that the staff denial be upheld by the City Council members and they overturn the narrow approval by the parks commissioners. I strongly advocate that the city assigns staff to research all of the concerns that have risen from this event and insist that strong policy is put in place prior to any permits being issued to events of this size and nature. The City Council has a responsibility to the residents of the city of Santa Barbara – not to a private production company.

The city was unable to handle the oversight last year and until there are proper and strong policies in place, there should be no further events of this type and size. Additionally, Twiin Productions has a history of ignoring city policy over the last 3 years and should not be given any further "chances". I urge you to recognize that public safety should be put above all else and that it would be unwise to allow any further events until the city can create strong policy and a mechanism for accountability and enforcement.

Sincerely,

Hilary Kleger
Resident of Santa Barbara, West Beach area
P.O. Box 2584
Santa Barbara, CA 93100

Attached: Letter to Nancy Rapp and Susan Jang-Bardick, Parks and Recreation Department.

P.S. Due to concerns for my personal safety as a result of this appeal, I would appreciate that my personal address and phone number not be made public to the extent that the law provides.



CITY OF SANTA BARBARA
PARK AND RECREATION COMMISSION REPORT

AGENDA DATE: May 19, 2010

TO: Park and Recreation Commission

FROM: Administration Division, Parks and Recreation Department

SUBJECT: Twiin Productions Appeal of Parks and Recreation Department
Denial of a Permit for the 2010 West Beach Music and Arts Festival

RECOMMENDATION: That the Commission deny the appeal of Twiin Productions, and uphold the decision of the Parks and Recreation Department to deny a park permit for the 2010 West Beach Music and Arts Festival.

EXECUTIVE SUMMARY:

The West Beach Music and Arts Festival (Festival), produced by Twiin Productions, is a 3-day music event that has been held on West Beach over each of the last 3 years. The 2009 event had the largest attendance by far, drawing 8,000 -13,000 per day, and was marred by a number of problems which staff believes were related to poor event management. The City received an extraordinary number of complaints, particularly noise complaints, from residents and businesses in the West Beach and Waterfront areas, and from as far away as Montecito, Summerland and Carpinteria. Other problems related to Twiin Productions performance included insufficient security for crowd control, reports of excessive alcohol and drug use and ineffective alcohol management within the event, and a failure to meet City permit terms and conditions.

In reviewing the event, staff from Parks and Recreation, Police, Waterfront, Public Works and Fire departments, determined that existing policies and practices for permitting events within City parks and beaches had not been written for an event of this type, size and scale, and as a result, were not sufficient. The City notified Twiin Productions that until a review and possible update of City policies, regulations and procedures could take place, no large scale music events would be permitted on City property, and that their application for a 2010 event would not be processed. Twiin Productions is appealing the denial of their 2010 event permit.

DISCUSSION:

Background

On September 18-20, 2009, the West Beach Music and Arts Festival organized by Twiin Productions took place on West Beach. With ticket sales topping 25,000 and the event drawing 8,000 – 13,000 people a day, the 2009 event was by far the largest and most-attended event in the three year history of the festival. Unfortunately, the City received an extraordinary number of complaints from the public about noise, excessive alcohol consumption and illegal drug use, and vandalism and litter in the surrounding neighborhoods. The majority of complaints were related to noise, with complaints coming from as far away as Montecito, Summerland and Carpinteria. The number of complaints generated by the 2009 Festival far exceeded any other event held in a City venue in recent history; and the event itself was much larger than events typically held in City park or beach venues in terms of people in one venue at one time.

In considering the return of the Festival to West Beach in 2010, staff from various City departments noted Twiin Productions failure to abide by terms and conditions of the park permit and raised concerns about their ability to appropriately manage the 2009 event. Additionally staff realized that the City does not have sufficient policies and permit requirements in place to manage an event of this scale, and questioned whether West Beach was an appropriate venue for an event of this type, size and scale. On February 9, 2010, Twiin Productions was notified that the City would not be permitting any large scale music events until City policies related to such events could be evaluated and updated for an event of this scale. Twiin Productions is appealing that decision.

Permitting Process for Large Special Events in City Parks/Beaches

Each year the Parks and Recreation Department permits 80 – 100 community special events in City parks and beaches. The permit process involves months of pre-event meetings and discussions with event coordinators and staff from the Parks and Recreation, Police, Fire, Waterfront and Public Works departments. The Special Event Application, an extensive document, provides information on rules, regulations and requirements for conducting the event. Applications are submitted 6 or more months in advance, reflecting the time involved in reviewing and preparing for the event.

The park permit includes very specific terms and conditions for how, when, and where the event will be conducted. Depending on the type of event, a number of other permits may be required as part of the Parks Permit, such as electrical and building permits from the City Building Official, health permits from the County Health Department for food preparation and sales, alcohol sales permits from the state Alcohol Beverage Control (ABC), Coastal Development Exclusion from the Planning Division of the City Community Development, vending permit from the City Finance Department, and a fire permit from the City Fire Department. Examples of other City permit requirements include providing the City a detailed site map for approval, SBPD Officer Request, Street Closure/Parking

Parks and Recreation Commission Report
 Appeal of Special Event Permit Denial, May 19, 2010
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Restriction Waiver/No Parking permits, certificate of insurance, security guard services, trash/recycling/portable toilets, sound monitor, and neighborhood notification. As most events are returning events, extensive debriefs are conducted following the event, reviewing what worked well and what did not, with recommendations for new permit requirements for the following year.

The majority (60%) of the special events permitted in City parks and beaches draw fewer than 300 attendees per day. In 2009/2010, only 5 events drew greater than 5,000 attendees per day:

Earth Day (Alameda Park West, East)	15,000
Summer Solstice (Alameda Park, West, East)	15,000
Fiesta Mercado (Plaza de la Guerra)	10,000
Cinco de Mayo (Plaza de la Guerra)	3,000 – 7,000
West Beach Music and Arts Festival (West Beach)	8,000 – 13,000

No other event has the attendance of the West Beach Music and Arts Festival at one time in one venue.

2009 West Beach Music and Arts Festival

This was the third year of the Festival, and the event has grown in duration and size each year.

	2007	2008	2009
Event Days/Hours	Saturday 12n – 8pm	Friday 3 – 10pm Saturday 12n – 10pm Sunday 11 – 8pm	Friday 3 – 10pm Saturday 12:30 – 10pm Sunday 12:30 – 8pm
Attendance	800 – 1, 000	3,000 9,000 8,000	8,000 9,000 – 10,000 13,000
Total Days on Site (set up, event and break down)	6	21 (includes 10 days beyond permit, which resulted in a \$3000 fine)	10

For comparison purposes, the 2010 AVP Volleyball Tournament, also held on West Beach, drew 500 to 3,000 people each of the 4 days, 8am - 6pm, with 11 total days on site.

Public Complaints Regarding 2009 Festival

Beginning Friday, September 18th and continuing through Sunday, and following the event, an extraordinary number of complaints were received by the Police Department, Mayor and Councilmembers, Parks and Recreation Department, the City Administrator's Office, Waterfront Department, letters to media, and others. Most complaints were related to noise (sound level and booming bass), some from as far away as the Riviera, Montecito, Summerland and Carpinteria. Over the next few months, additional complaints were

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Appeal of Special Event Permit Denial, May 19, 2010
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received from residents in the West Beach and Shoreline neighborhoods, the Stearns Wharf Merchants Association, Greater Santa Barbara Hotel and Lodging Association and West Beach hoteliers. In addition to noise, the complaints cited impacts to neighborhoods, litter, vandalism, excessive alcohol and drug use, alcohol related negative behaviors, and alarm over a 2010 event. There were many criticisms of the negative impacts to residents and the small amount of revenue to the City. City staff could not recall any other event generating this level of complaints.

Police Calls for Service / Activity

Statistics provided by the Police Department show that:

- At its peak SBPD Dispatch was receiving a noise complaint every few minutes. Due to the volume, calls for service were not logged.
- SBPD Beat 2, consisting of the entire waterfront area, produced 257 calls for service and officer initiated activities from September 18th – September 20th. In comparison, the same geographic area produced 148 calls during the previous Friday – Sunday, a 74% increase.
- Beyond planned staffing for the event, on Sunday 17 Police Officers and 1 Harbor Patrol officer were called in for crowd management, as well as a dispatcher and CSI Technician
- Citations/Arrests:
 - Felony Arrests: 2
 - Misdemeanor Arrest: 1
 - Health & Safety Code Citations: 9
 - Municipal Code Citations: 26
 - Penal Code Citations: 2
 - Business and Professions Code Citations: 28
 - Vehicle Code Citations: 6
 - Parking Citations: 263

The felony offenses consisted of an arrest for possession of a dangerous drug, ecstasy, and an arrest for violation of parole. The misdemeanor arrest resulted from a sexual battery involving a 17-year old female victim who reported the incident to security. The Health & Safety Code citations were for possession of marijuana, the Municipal Code citations were for possession or public consumption of alcohol, and the Penal Code citations were for littering or urinating in public. The Business & Professions Code citations consisted of two cites related to security guard certification and 26 cites related to minors in possession of alcohol or false ID. The Vehicle Code citations consisted of four traffic cites and two cites for fraudulent use of ID cards or driver licenses. Nearly all of the parking citations were issued by Parking Enforcement Officers assigned to patrol the area around the event; a small number were issued by Police Officers working the event.

De-Brief Following the Event

On October 9, 2009, a debrief meeting was held with Twiin Productions and staff from the Public Works, Police, Fire, Waterfront and Parks and Recreation departments. The

comprehensive review addressed aspects of the event that worked well, and what did not. The greatest concerns communicated to Twiin Productions were those related to failure to abide by permit terms and conditions; unacceptable management of amplified music; inadequate security for crowd control and unacceptable alcohol management (which resulted in an increased and unplanned need for police resources); distribution and fraudulent counterfeiting of Waterfront Parking VIP permits by Twiin Productions staff and their vendors; and unacceptable neighborhood impacts. The Parks and Recreation Director informed Twiin Productions that these issues would likely result in policy changes by the City which would affect future events, and that it was also possible that the event would not be permitted in the future.

Denial of 2010 Permit and Appeal Request

In the months following the Festival, the Parks and Recreation Department received requests to permit 2 similar music events in the Waterfront area. Upon further review and discussion, in concurrence with the City Administrator, the Parks and Recreation Director notified Twiin Productions on February 9, 2010, that the City would not be permitting any large scale music events until an evaluation of City policies related to large scale music events and amplified sound was completed.

On March 19, 2010, the Department received a Special Events Application from Twiin Productions for a West Beach Music and Arts Festival to be held on September 24-26, 2010. On March 22, 2010, Twiin Productions submitted an appeal to the Department's decision to suspend the processing of permits for large scale music events.

On April 27, 2010, Twiin Productions submitted a request to City Council asking Council to permit the Festival's 2010 special event application. The request specifically cited the Parks and Recreation Department "General Policy Pertaining to use of Parks, Recreation Facilities and Equipment" (as authorized and approved by the City Council) pursuant to SBMC 15.05.020 which provides that denial of a permit for facility, park or equipment use can be appealed to the Park and Recreation Commission, and subsequently to City Council. Subsequently, the Parks and Recreation Department notified Twiin Productions that an appeal hearing was set for May 19, 2010 during a Special Meeting of the Parks and Recreation Commission.

Unacceptable Conditions Associated with the 2009 Event

Staff with Parks and Recreation, Police, Fire, Waterfront and Public Works departments observed the following related to the operation of the 2009 Festival:

1. **SOUND MANAGEMENT:** Twiin Productions failed to abide by permit terms and conditions related to sound level management. The report provided by the sound company contracted by Twiin Productions verified that decibel levels exceeded maximum allowable levels all three days. Twiin Productions failed to supervise the sound company to insure sound within allowable limits. Once apprised by staff of

inappropriate sound levels and public complaints, Twiin Productions failed to manage the sound to insure music was kept at appropriate levels.

- a. Staff informed Twiin Productions Operations Manager and later Jeremy Pemberton that the volume and bass needed to be lowered to acceptable levels on Friday, both were lowered at some point and then raised again prior to end of the event. Police intervention was needed to end music on time Friday.
 - b. Saturday late afternoon staff informed Jeremy Pemberton of the significant number of public noise complaints, and warned that if sound was not managed within appropriate levels it could affect continuance of the event in the future.
 - c. Sunday afternoon staff directed the Operations Manager once again about lowering sound and bass levels to acceptable levels.
2. CURFEW: Twiin Productions failed to abide by permit terms and conditions as to music curfew. Although the amount of time over curfew was minimal (2 minutes), it necessitated staff having to remind Twiin Productions staff to take action to end the music by curfew. In 2008, Twiin Productions failed to manage their performance schedule such that the final lead act did not have sufficient performance time on both Saturday and Sunday. Police made the determination that for public safety reasons (crowd control of unhappy attendees) the curfew would be allowed to extend by 45 minutes one night and 30 minutes another night.
3. SECURITY SERVICES: Twiin Productions failed to plan and provide appropriately certified and licensed security services; failure of hired personnel to perform competently; failure to effectively manage the multiple providers hired for security. The permit terms and conditions require that all security personnel are appropriately licensed and certified by the State Bureau of Security and Investigative Services. The Police Department determines the number of required police and security personnel, and where those resources will be positioned within the venue.

Through the planning process Twiin Productions had informed the City that they had formed their own security personnel business to provide security services for the Festival and other events they manage. Approximately two weeks prior to the event the Police Department was informed by the State Bureau of Security and Investigative Services that Twiin Productions' in-house security company was not licensed to provide security for the Festival event. The Police Department informed Twiin Productions that the company was not appropriately licensed. Three days before the event, Twiin Productions provided the Police Department with an alternate vendor, who was also determined to be unlicensed. This was repeated the following day. On Thursday, the day before the event, Twiin Productions contracted with a licensed security vendor.

During the event the State Bureau of Security and Investigative Services checked security personnel. One security guard was cited for not being appropriately licensed, and one Twiin Productions event staff was cited for doing work that required a guard certification. The Police Department notes that the poor management of security

services by Twiin Productions and the failure of security personnel to perform competently contributed to unauthorized alterations to the beer gardens, ineffective security at the entrance/exit and perimeter of the beer gardens, and reports of excessive marijuana and alcohol use, and underage drinking.

4. **ILLEGAL MARIJUANA USE:** There were many reports of pervasive illegal marijuana use within the venue. This concern was discussed in pre-planning meetings, with an expectation that the event organizer has a role in helping to reduce instances of marijuana use. Following the 2008 event, to this end, Twiin Productions had agreed to not allow drug paraphernalia to be sold by Festival vendors in future events. The 2009 event saw a marked increase in marijuana use over previous years' events. Police cite ineffective planning related to crowd control, estimated attendance, Twiin Productions' ineffective security performance, and insufficient police resources in place within the venue to address the problem.
5. **ALCOHOL MANAGEMENT:** Twiin Productions failed to abide by permit terms and conditions and provide appropriate alcohol management as required by the Alcohol Beverage Control and City Parks permits (also cited in 2007 and 2008); failed to supervise the beer garden in a manner necessary to prevent underage attendees from having access to the beer garden; failed to supervise servers in a manner necessary to prevent service to persons who were clearly intoxicated; and made unauthorized alterations to the beer gardens, including not maintaining required double fencing standards and enlarging the entrance to a degree which precluded effective supervision of the beer garden (i.e., overcrowding, screening underage attendees).
6. **COUNTERFEIT PARKING PERMITS:** Twiin Productions staff and their vendors produced and distributed fraudulent counterfeit Waterfront Parking VIP permits. Waterfront sold Twiin Productions 10 VIP parking permits for the event preparation and access to the event. During the event it was discovered that counterfeited permits were being duplicated and used by event organizers and vendors. Waterfront staff confiscated approximately 26 counterfeited permits but believe there were many more made and used for access to the event. An investigation by the Department determined that the counterfeited permits were widely distributed and used during the event.
7. **USE OF PROFANITY:** There were many public complaints of excessive profanity by emcees and entertainers, inappropriate for a family-friendly venue and clearly heard outside of the venue by visitors and residents, including children.
8. **NEIGHBORHOOD IMPACTS:** Inadequate planning related to estimated attendance, crowd management, security and police resources resulted in complaints by Waterfront, West Beach and Shoreline Park neighborhoods related to parking, alcohol and marijuana related behaviors, public urination, vandalism and trash.

Additional Concerns Related to Event Management

The past performance of Twiin Productions calls into question whether the applicant can abide by the terms and conditions of their City special event and other permits. Over the past three years, despite numerous, lengthy planning meetings and discussions with staff, Twiin Productions fails to comply with event permitting conditions and follow through on commitments for how the event will use City facilities and privileges. This has created unanticipated negative impacts, frustration and additional work by City staff.

Twiin Productions says that they have responded to problems by making changes to the following year event. A promise to improve in the future is not sufficient for most of the problems noted. Staff believes that many of the issues are things that should have anticipated by Twiin Productions or addressed through appropriate on-site management of the event. For example, although City staff has emphasized over the years how important it is for the event to have the support of the West Beach and Waterfront area businesses, hotels and residents, complaints reached an all time high in 2009.

Another critical area of concern is the lack of sufficient planning to properly manage an event of this size and scale. In talking with management from the Santa Barbara County Bowl and other venues, a critical piece of working proactively to effectively manage a large scale music event is the experience and knowledge the concert promoter brings to the planning process. Venues rely on the concert promoter to contribute how different music acts will affect crowd size and crowd control, age and other demographics on potential audience, anticipated attendee behaviors which may be problematic, anticipated concerns related to sound management, etc.

All of these areas have been problems for the Police and Parks and Recreation department in working with Twiin Production to plan their events. For example, one of the critical differences between the 2008 and 2009 events was the band line up, in terms of type of music and the characteristics of who is drawn to attend that type of music or a particular band. This information should have been known by Twiin Productions and incorporated into discussions with the Police Department related to anticipated attendance, security services, police resources, etc. The County Bowl routinely contacts the Police Department prior to concert events to let them know what to expect based on the entertainment booked for the event. The type of musical bands featured in the 2009 event was a significant contributor to the sound management problems.

Another critical performance area is the lack of appropriate on-site management during the events. In comparing the number of incidents discussed above related to Security, Alcohol Management, and Sound Management, the Police Department notes that the level of incidents associated with the 2009 Festival is an anomaly compared to what is normally encountered at other events. In general, with more successful events, event organizers are more involved in the oversight and management of security, the beer garden and alcohol management which prevent many of the problems.

Concerns have also been raised about Twiin Productions business practices and credibility. The check used as payment to the Waterfront Department to reimburse for the counterfeited Waterfront parking permits was returned for non-sufficient funds in the account. Eventually, a cashier check was required and submitted to cover the payment. Late payments for Police services have been received as late as 120 days or more. Each year, staff has been contacted by vendors for the event about non-payment of their bills by Twiin Productions. (This has never occurred with other events the City has worked with.)

Review of City Policies, Regulations and Practices Related to Large Special Events

The 2009 West Beach Music and Arts Festival brought to attention the need to revisit many of the City's policies, regulations and practices related to how the City permits and manages large special events held on City property. The following policy areas have been identified:

- Use and management of amplified sound, including:
 - Municipal Code Chapter 9.16 as it relates to events on City property
 - Study of sound management options and recommendations for various City venues
 - Sound monitoring policies and requirements
 - Conditions related to venue locations, hours, number of days, etc.
- Security deposits or bond requirements to cover unforeseen costs, such as damage to City property, additional police services, and administrative fines.
- Criteria requirements for contracted services such as security, sound, etc.
- Administrative fines for failure to meet permit terms and conditions (i.e., sound management, exceeding event curfew, alcohol management, etc.)
- Defined plans to mitigate neighborhood impacts (traffic, parking, trash, police services outside event venue)
- On-site staff requirements and cost-recovery (Police, Parks and Recreation)
- Requirements for third party contract language related to profanity, sound management, security services, etc.
- Limitations on events based on ability of Police Department to provide appropriate levels of support
- Fees, including full cost recovery for City services to support the event (Parks and Recreation, Police, etc.)

Also identified is the need to have a comprehensive review of policy documents which govern how, when and where events are conducted on City property. Some of these include:

- Parks and Recreation Special Events Application
- Municipal Code 15.05.020 Policy Pertaining to the Use of Parks, Beaches and Recreation Facilities, and the General Policy Pertaining to use of Parks, Recreation Facilities and Equipment
- Policy Pertaining to Special Events Held in the City's Waterfront, Beaches and Beach Park Areas

Another area of policy discussion is whether criteria should be established for events held in various City park, beach, or other public areas based on type of event, size, duration, likely neighborhood impacts, etc. For example, questions have been raised by West Beach hoteliers, surrounding neighborhood and waterfront businesses and residents, the Waterfront Department and others about whether West Beach is an appropriate venue for this type of event, or an event of its size and scale. In particular:

- Many commented that 3 days and 3 nights of loud music emanating from the West Beach venue was excessive.
- The Waterfront Department notes the Festival is a large, multi-day, for-profit, non-ocean dependent event which overly impacts ocean dependent-ocean related activities; this event which could be held elsewhere. Virtually, no other ocean related/dependant activities can take place in the West Beach-launch ramp vicinity during that timeframe.
- Size of the Festival footprint means that most if not all of West Beach is inaccessible to the general public, youth sailing organizations, outrigger canoe clubs, contractors, public safety officials, etc.
- Parking impacts the Festival are very large and negatively affect parking access for harbor launch ramp users, slipholders, boaters, wharf/harbor tenants and their customers, and surrounding neighborhoods.

RECOMMENDATIONS

The Parks and Recreation, Police, Fire, and Waterfront departments strongly recommend that the Commission support the denial of a park permit for a 2010 West Beach Music Festival, or any other large scale music events, until appropriate changes are made to City policies, regulations, and procedures to ensure safe, community friendly, well-managed events. If the Parks and Recreation Commission upholds the Parks and Recreation Department denial of a park permit for the 2010 West Beach Music and Arts Festival, that decision is appealable to the City Council within 10 days.

Attachments:

1. 2009 West Beach Music and Arts Festival Special Event Application
2. 2009 West Beach Music and Arts Festival Parks and Recreation Park Permit
3. 2009 West Beach Music and Arts Festival De-Brief Notes
4. Santa Barbara Police Department letter to California Department of Alcoholic Beverage Control, Twiin Productions ABC Event / Catering Request for September 18-20, 2009, dated August 31, 2009
5. February 9, 2010 Parks and Recreation Letter to Twiin Productions regarding suspension of large scale music events
6. 2010 West Beach Music and Arts Festival Special Event Application, received March 19, 2010
7. March 22, 2010 Letter from Twiin Productions to Nancy Rapp appealing denial of 2010 event permit
8. March 30, 2010 Letter from Nancy Rapp to Twiin Productions denying appeal

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9. April 27, 2010 Letter from Twiin Productions to City Council requesting a permit for a 2010 Festival
10. Various public comments about 2009 West Beach Music and Arts Festival

SUBMITTED BY: Nancy L. Rapp, Parks and Recreation Director
Camerino Sanchez, Police Chief
John Bradley, Waterfront Director
Andy DiMizio, Fire Chief



**City of Santa Barbara
PARKS AND RECREATION DEPARTMENT**

**PARKS AND RECREATION COMMISSION
Regular Monthly Meeting**

Wednesday, May 19, 2010

Minutes

CALL TO ORDER

The meeting was called to order at 5:30 p.m. at City Council Chambers.

PLEDGE OF ALLEGIANCE

Chair Longstreet

ROLL CALL

Commissioners & Staff Present

Commissioner Beebe Longstreet
Commissioner W. Scott Burns
Commissioner Chris Casebeer
Commissioner Lesley Wiscomb
Commissioner Ada Conner
Commission Intern Diego Torres-Santos
Parks & Recreation Director Nancy Rapp
Asst. Parks & Recreation Director Jill Zachary
Executive Assistant Karla Megill
Recreation Program Manager Judith McCaffrey
Parks Manager Santos Escobar, Jr.
Recreation Programs Manager Sarah Hanna
Creeks Manager Cameron Benson
Golf Course Manager Mark Reed
Administrative Analyst Nancy Woods
Sr. Recreation Supervisor Jason Bryan
Recreation Supervisor Susan Jang-Bardick
Assistant City Administrator Paul Casey
Waterfront Director John Bradley
Police Chief Cam Sanchez
Police Sergeant Riley Harwood
Assistant City Attorney Scott Vincent

Commissioners Absent

Commissioner Daraka Larimore-Hall

1. Approval of Minutes

Recommendation: That the Commission waive the reading and approve the minutes of the regular meeting of April 28, 2010.

Commissioner Lesley Wiscomb moved, seconded by Commissioner Chris Casebeer, and passed 5/0 to waive the reading and approve the minutes of the regular meeting of April 28, 2010.

2. Fiscal Year Proposed Golf Division Budget

A. Support modifications to the proposed Golf Division FY 2011 budget based on the revised budget strategy, including changes to the capital, revenue and expenditure budgets and proposed fees, and

B. Make recommendations on the FY 2011 Golf Division to the City Council.

Documents:

- Staff Report
- Staff PowerPoint Presentation

Speakers:

- Staff: Nancy L. Rapp, Parks and Recreation Director; Nancy Woods, Administrative Analyst I

Commissioner Lesley Wiscomb moved, seconded by Commissioner Ada Conner, and passed 5/0 to move forward with the recommended Golf Division Fiscal Year 2011 budget.

3. Parks and Recreation Department Proposed Fiscal Year 2011 Budget

Recommendation: That the Commission provides its recommendations on the Parks and Recreation proposed Fiscal Year (FY) 2011 budget, including:

- A. Creeks Division operating and capital budgets,
- B. General Fund operating and capital budgets: and
- C. Parks and Recreation Fees & Charges Schedule

Documents:

- Staff Report
- Speakers:
 - Staff: Nancy L. Rapp, Parks and Recreation Director; Jill Zachary, Assistant Parks and Recreation Director; Sarah Hanna, Recreation Programs Manager
 - Members of the Public: Morgan Lunt, Chloe Hunt, Theresa Pena, Maggie McDermott, Gwen Phillips, Ray Ward

Commission Comments:

Commissioner Casebeer commented that he wants to be sure that the Police Activities League (PAL) has the resources and staffing to maintain the quality of service the community has received at the Teen Center. He said he has reviewed the Police Department budget and they propose to eliminate a full-time PAL position. Commissioner Casebeer commented if they are eliminating a position and taking on a new program, he wants to be sure they are prepared to keep it going.

Ms. Rapp clarified that the proposal to eliminate the PAL position is on the options list; it is not included in the submitted budget. She said that PAL has expressed concern that it could impact their ability to provide programming. Ms. Rapp further said that if the Commission wants the presentation from PAL before they make their recommendation on the Teen Center they can formulate other budget recommendations this evening and make that recommendation after the PAL presentation on May 26th.

The Commissioners agreed they would make the recommendation regarding the Teen Center after they received the PAL presentation.

Chair Longstreet talked about the merging of the Teen Programs with the Neighborhood and Outreach Services, she asked if positions were eliminated how it would work; who would take over staffing the Youth Council?

Commissioner Lesley Wiscomb moved, seconded by Commissioner Ada Conner, and passed 5/0 to approve the Creeks Division operating and capital budgets.

The Commission discussed the proposed reductions. Chair Longstreet stated that the reinstatement of the Grounds Maintenance Worker I position would be a high priority for her.

Chair Longstreet stated that the Business Manager position is a priority for reinstatement because the Department has a huge budget and a couple of enterprise type funds. She said that a Business Manager is important with the size of a budget the Department has.

Chair Longstreet expressed concern about reducing the Marketing Coordinator to half time. She asked who would handle E-registration.

Ms. Rapp said the Department has concerns about that given the need to continue to focus on revenue; however, the Department is looking for solutions, and will do it's very best to find solutions.

Commissioner Wiscomb indicated the Commission previously discussed that

reinstatement of the Business Manager position and pool maintenance is a high priority.

The Commission discussed the Additional Budget Adjustment Options.

Chair Longstreet commented that it would be ashamed to lose the Ortega Welcome House for that neighborhood, but, the Franklin Center and some other facilities in the neighborhood can take up some of the weight. Commissioner Burns said it is a great location that is centrally located for some people who could not necessarily walk to the Franklin Center.

Chair Longstreet commented that she sees some benefit of a stronger presence in Ortega Park, if the right non-profit. She said that having daily activity in the park, especially if it was youth job employment, could be beneficial.

Chair Longstreet commented that it is a very difficult decision to close the Oak Park Wading Pool. Commissioner Casebeer clarified that under the proposal there will not be a wading pool in the City at all. He concurred that it is difficult and said that the kids deserve a wading pool.

Chair Longstreet asked where Ortega Pool stands, saying there was some confusion at the Council budget hearing. Ms. Rapp replied that the Recreation Swim Program at Ortega Pool is not funded in the proposed budget because that was part of the budget reduction last year. She further said it was only operated through the donations. Ms. Rapp advised that currently, there is no funding for the Ortega Park Recreation Swim. She said Council asked how much it would cost to reinstate the program. Ms. Rapp said it would take \$2,300 dollars to restore the program, and that Council expressed that they would like to make that a priority.

Chair Longstreet said that she would like to put in a strong recommendation for the funding of the Recreation Swim at Ortega Park and the wading pool. She expressed her belief that the community would support it by dropping money into a donation box when they came to use the facilities.

Commissioner Burns suggested the Department be creative and commented that maybe someone has a naming right for that pool on a monthly basis.

Ms. McCaffrey informed the Commission that she has a couple pending grants for the funding of the wading pool.

The Commission briefly discussed the restructuring of Neighborhood and Outreach Services and elimination of an NOS position and said they would further discuss that at the May 26th meeting. Chair Longstreet acknowledged the input from the advisory committees regarding this item, and said that the

Commission needs to consider who will staff what facilities, whether they can handle all of the responsibilities, and how it will look if the position is eliminated.

Commissioner Conner asked whether the closure of Skofield Park would eliminate the caretaker in that park. Ms. Zachary said the caretaker would still live in the house at Skofield. Ms. Zachary further stated that if Skofield were to close, it would be open in the summer, there would still be a caretaker, and all basic level maintenance (mowing, high-fire hazard work) would still continue.

Commissioner Burns asked whether the schools would be able to use Skofield Park. Ms. Zachary said that most of the camping rentals occur in the summertime on the weekend, and that would still be possible.

Chair Longstreet said keeping those parks open would be a low priority for her, because the Parks Division is stretched thin.

Chair Longstreet expressed concern over the elimination of the Recreation Specialist Specialist position in Facilities and Rentals Services, saying that this would slow down the application and rental process thus reducing revenue.

Ms. Rapp said that it is a very difficult option; the impact will be felt, but there is no way around it. She said it will delay the response time for event and facility rental applications, and affect our ability to provide good customer service.

Commissioner Burns said that the Arts and Crafts Show does a great deal of good for the community and this reduction would really hurt their organization if they are not able to get new people processed in a timely manner. He expressed his desire that as the Commission prioritizes, if they can avoid cutting this position, or bring it back quickly, he would like to make that a priority.

Ms. Rapp reminded the Commission about the 7:00 p.m. time certain item. She recommended that they think about their priorities and the items they would like reinstated and be prepared to talk about those at the May 26th meeting. Ms. Rapp further recommended that the Commission formulate their recommendation to City Council at the May 26th Commission meeting. The Commission concurred.

4. Twiin Productions Appeal of Parks and Recreation Department Denial of a Permit for the 2010 West Beach Music and Arts Festival

Recommendation: That the Commission deny the appeal of Twiin Productions, and uphold the decision of the Parks and Recreation Department to deny a park permit for the 2010 West Beach Music and Arts Festival.

Documents:

- Staff Report

- Staff PowerPoint Speakers
- Staff: Nancy L. Rapp, Parks & Recreation Director, Susan Jang-Bardick, Recreation Supervisor, Riley Harwood, Police Sergeant, John Bridley, Waterfront Director; Police Chief Cam Sanchez
- Members of the Public:
 - o For Twiin Productions: Jeremy & Joshua Pemberton; Grant McGregor; Bob Montgomery
 - o Public At Large: Magda Arroyo, Scott England, Tony Pighetti, Paul Burns, Steve Mead, Tyler Dobson, Bill Redding, David Boire, William Boyce, Neil Ablet, Brianna Case, Carla Chavez, Diana Sandoval, Phillip Martonay; Grant McGregor, Terrance Briggs; Brett Leigh Dicks, Nicholas Dulong; Craig Cody, Peter Doctors; Steve Cushman, Paul Bullock, Tony Romasanta, Mark Romasanta, Jeannette Weber, Theresa Stiff

Mr. Jeremy Pemberton stated that Twiin Productions is willing to provide a portable office building with functioning utilities located centrally at the event as a command center. He further said Twiin Productions is willing to pay the cost of City senior level management in order to have management on site knowing what is going on. Mr. Jeremy Pemberton said the command center will give constant and direct access to the organizers and decision-makers enabling adjustments to be made immediately.

Mr. Jeremy Pemberton said that sound management can be done. He said Twiin Productions is willing to initiate compliance contracts with financial consequences that will help insure visiting sound engineers are compliant. Mr. Grant McGregor of Luners Pro Sound and Lighting, a local sound company, spoke in support of Twiin Productions and talked about sound issues and said that he has referred Twiin Productions to an acoustic consultant and recommended that they work with the consultant in the redesign of the event for compliance with all City regulations. Mr. McGregor said his company wants to work with the City to get quantifiable guidelines that will help them through the series of events they are working on. Mr. Jeremy Pemberton addressed curfew, profanity, and marijuana use, saying that the issues are not excusable, but not unique to the West Beach Music and Arts Festival. Mr. Jeremy Pemberton talked about the calls for service. He said that although there was a 70 percent increase in the number of citations issues, there was a 600 percent increase in the number of police officers paid to do that. Mr. Pemberton addressed the issues with security. He said that Twiin Productions is tripling their security budget, they have a more qualified firm, and as a minimum, double the personnel.

Regarding alcohol management, Mr. Jeremy Pemberton stated that Twiin Productions performed due diligence; negligence is not a factor. He said that the post event meeting minutes reflects that the Facility Supervisor acknowledged that the security was not responsible for some of the underage drinking; there was speculation that one of the volunteers or staff procured wrist bands and

distributed them. Mr. Pemberton indicated that all staff are trained by the Santa Barbara Police Department and Alcohol Beverage Control.

Mr. Jeremy Pemberton accepted responsibility for the counterfeit parking permits, and expressed sincere apologies; but said, at the end of the day, when there are 2,000 people working, and the show has to go on, people are going to make decisions that are not necessarily the best decisions for the company, but are best for the show at the time. Mr. Pemberton explained the motive behind the counterfeit parking permits was not to obtain free parking, but that the West Beach Pedestrian Project blocked their entrance closest to the park and access point to the beach.

Mr. Joshua Pemberton said the solution to the parking permit issue is to develop a comprehensive plan in accordance with the Waterfront Department, and work together to figure it out. He said that had the access point been available, he does not believe the issue would have arisen. Mr. Pemberton said Twiin Productions is willing to do whatever it takes—perhaps even charging a per vehicle fee.

Mr. Joshua Pemberton addressed neighborhood concerns saying that for the 2010 event, a specific neighborhood impact plan and traffic plan has been prepared. He said that research has indicated that a straight forward residential and hotel access plan is appropriate: barricades manned by event staff; signage; and parking, residential permits; driver's licenses with appropriate addresses, and hotel credentials will be required to enter access areas of the neighborhood.

Mr. Jeremy Pemberton talked about the City's Policy relating to special events held in the City's waterfront, beaches, and beachfront parks, Section IV relating to food and beverage concessions states that event organizers may be required to pay 10 percent of gross sales from their concessions. He said the Department has left tens of thousands of dollars on the table. Mr. Pemberton asked the Commission to focus on financial opportunity, embrace what is best for the City, and not allow personal feeling to govern what is best for the City.

Mr. Jeremy Pemberton stated regarding the question of venue that it is not a matter of can it be done, it has already been done and will continue to improve. He said that Twiin Productions is willing to negotiate the curfew for Sundays.

Mr. Jeremy Pemberton said Twiin Productions is willing to continue working with the City to establish a facility fee revenue option. He said that instituting a \$4 facility fee to their ticket prices would provide potentially \$100,000 or more based on the 2009 Festival model with a capacity of 15,000. Mr. Pemberton clarified that the variance in the earning potential is depends upon the capacity of the event and the number of three-day passes purchased versus single-day passes. He said that on average 70 percent of the passes are single-day passes and 30 percent are three-day passes.

Mr. Jeremy Pemberton highlighted other community involvement and positive effects of the event. He said the event facilitated on-site voter registration and non-profit awareness; Notes-for-Notes benefited financially; the Lions Club was on site collecting for Senior National; the Unity Shoppe was a benefactor; Firefighters Quest for Burn Survivors; and they also provided discount food space for other non-profit groups. Mr. Pemberton said they collaborated with the Santa Barbara County Beach Cleanup and were recipients of the Greener Festival Award for meeting standards on eco-friendly practices in waste diversion.

Mr. Jeremy Pemberton indicated that Twiin Productions brings positive exposure to the City of Santa Barbara outside of the County. He said they spend \$182,000 advertising the City of Santa Barbara and the Festival in radio, on-line, television, print, street team, and public relations, 46 percent of which is spent outside the County to bring people in.

Mr. Jeremy Pemberton stated that there is far too much economic advantage, community involvement, and people who have invested themselves into the event for the permit to be denied.

Commission Comments and Questions:

Commission Intern Torres-Santos expressed concern about whether there is enough time to plan the event in a way to ensure public safety and the need for policies to be put in place.

Commissioner Wiscomb asked how the number of violations and citations issued during the 2009 event compares to the previous week or other weekends. Sergeant Harwood said the enforcement was undertaken by officers specifically working the event; there was no event the previous weekend, so there is nothing to compare it to. Sergeant Harwood said he does have statistics regarding calls for services for the waterfront beat, which includes the venue. He said that during the weekend of the Festival, the waterfront beat logged 257 calls for service, which is a 74 percent increase over the previous weekend during which there was no event.

Commissioner Wiscomb asked for clarification on why there was a change in the number of security guards, from 55 to 31, before the event. Sergeant Harwood replied that Twiin Productions initially indicated they would provide 55 security guards. He suggested that the licensing issue and money could have impacted their ability to provide the additional security guards.

Commissioner Wiscomb asked whether 31 security guards met the permit conditions. Sergeant Harwood said that was the minimum required. He further said that in addition to the 31 security guards, there were a number of event staff and ushers.

Commissioner Wiscomb asked what the on-site command center would entail if Twiin Productions were granted a permit for 2010. She asked specifically, what will it address and what will it do to improve conditions from 2009?

Jeremy Pemberton said that City staff expressed concern about accessibility to event organizers. He explained that the on-site command center would be an on-site portable office building with functioning utilities that would give City staff the ability to know what is going on, have direct access to event organizers, and transparency about everything occurring at the event so they can feel confident Twiin Productions is working with the City to try to produce a safe event and meet compliance items.

Commissioner Wiscomb asked whether the on-site command center would be staffed by City personnel and Twiin Productions staff. Mr. Jeremy Pemberton said the site has eight portable office buildings; it could either be in an office that is shared with Twiin Productions or a separate office. He said they just want to provide an on-site location.

Commissioner Wiscomb asked how many people Twiin Productions expects to attend the 2010 event, and would they be willing to lower their capacity.

Mr. Jeremy Pemberton said yes, Twiin Productions is willing to work with what is best for the City. He said that in 2009, the Sunday capacity of 13,000 was sold out five days in advance. Mr. Pemberton said Twiin Productions can protect the integrity of the capacity and are willing to do so.

With respect to the sound system, Commissioner Wiscomb commented that there is obviously a maximum decibel limit when obtaining a permit. She asked Twiin Productions whether they did not properly plan last year which created the noise pollution in the surrounding area. She asked how it happened and what would be done to correct it this year. Ms. Wiscomb asked if there is a regulator on the systems that can prevent sound from going beyond a certain level.

Mr. Jeremy Pemberton said that there is. He said three things contributed to the sound issues last year: one of the stages was facing towards Montecito/Summerland and fog rolled in; sound travels four and half times faster in water, so it traveled further than planned. Mr. Pemberton said the new plan has the stage facing directly to the ocean. He said that another problem they have is they are dealing with 60 bands and 60 sound engineers. Mr. Pemberton said they are developing a compliance contract that either fines the artist or adds the technology (a limiter) to make sure that the decibel level does not go past a certain volume ever during the event.

Commissioner Burns asked if there were any issues related to people per square-foot. Ms. Rapp said no there were no issues related to that.

Commissioner Burns commented that the City has no policy in place that works. He said Twiin Productions seems to want to work with staff, but in the past they have seemed to want to work with staff, but have not done so. Commissioner Burns said that it was stated that the stage was facing towards Montecito and Summerland, however, guidelines dictate the stage is supposed to be facing towards the ocean, and it that is true, why. He said it appears that Twiin Productions says things, but there is no follow-through.

Ms. Jang-Bardick said the stage was facing towards the ocean, but it was angled towards Montecito and Summerland. She said that because of the weather conditions, the loud noise and base sounds it traveled over the water in that area.

Ms. Rapp interjected that the site plan was approved by City staff. She said she does not want to imply that there was something major in the site plan that was not followed. Ms. Rapp said there were issues with the Beer Garden not being managed as it was supposed to be on the site plan and according to the plan, but this very different from changing how a stage was positioned.

Commission Burns commented that Twiin Productions expressed appreciation to the Pembertons for attending the Event Management Training in San Diego. He said the West Beach Music and Arts Festival is potentially a great event. Mr. Burns said he would put it in the perspective as many start up companies – as they get bigger, they realize that the founder of the company really shouldn't be handling the day-to-day management; they hire someone else to be the Chief Executive Officer. Commissioner Burns said he thinks that what has happened is that for this large an event, the management experience that was required by the City did not happen, and many details were missed, which is where all the issues came from. He further expressed that it seems the position of Twiin Productions is *we made a mistake, we will fix it next year*, but he stressed that pre-planning is necessary to avoid mistakes.

Commissioner Burns asked what the parking issues are if there are 15,000 people on West Beach; where and how they are going to park.

Jeremy Pemberton said Twiin Productions has advertised on their website that all visitors should park in lots 7 & 8 at the top of State Street so they walk down past the businesses. He further said they provided \$5,000 worth of bus transportation for students from Isla Vista.

Commissioner Burns asked if that worked. Mr. Pemberton said yes, they feel it did work. He said in the West Beach community directly they have an impact plan that can address those citizens and hoteliers, but as far as the rest of the parking, in the same way as with many other public events, the parking adequacy is not there, so they partnered with Santa Barbara Car Free.

Commissioner Burns stated that the hotel owners across the street from West Beach bring income into the City, and he would expect that Twiin Productions and the hotel owners would be working together.

Commissioner Conner commented that neither side can control what people do when they are intoxicated after they leave the event. She said that a huge crowd becomes more uncontrollable. She asked Twiin Productions how they propose to protect the people in the neighborhoods from people trudging through and vomiting on their cars, trampling their landscape, etc.

Jeremy Pemberton said they have a West Beach Resident and Hotel Protection Plan in place for this year that addresses those concerns. He said they will either work with the utility company or issue resident passes directly; there will be barricades closing the roads, but allowing residents access, and allow accessibility to all hotels without impacting their traffic.

Commissioner Casebeer said that the sound issue is a major problem which is not new, and in 2009, the sound was out of control. He said there is a trust issue. Commissioner Casebeer said a plan to control the sound is imperative. He asked why if there is technology to direct the sound, it was not implemented last year. Commissioner Casebeer further said it is incredible that Twiin Productions, as the promoter does not have control of the sound; it is irresponsible.

Commissioner Casebeer asked how many service calls might there typically be for the 4th of July in the West Beach area. Sergeant Harwood said that he does not have the information available, nor can he speculate. He said his budget for this 4th of July is \$66,000. Sergeant Harwood commented that the 4th of July event is a City co-sponsored event which is why that is possible; there are no private events that can provide the degree of resources a 4th of July or Fiesta event is able to muster.

Commissioner Casebeer commented that communications seemed to be an issue and asked if there was a radio frequency set up so the parties could communicate with each other.

Jeremy Pemberton said that their safety team leader coordinates communication with the first responders and emergency personnel and they did have communications directly through their radios.

Commissioner Casebeer asked if it could have improved. Mr. Jeremy Pemberton said yes; that is why Twiin Productions wants to have a command post, more centralized communications.

Sergeant Harwood advised the Commission that the officers had cell phone contact with Jeremy Pemberton during the event.

Commissioner Casebeer commented that the fee schedule for the use of the West Beach facility is grossly inadequate and strongly recommended that it be revisited. He stated that the West Beach Music and Arts Festival is a multi-million dollar event. Mr. Casebeer asked Ms. Rapp how much the City receive in revenue from the event, to which Ms. Jang-Bardick responded, a total of \$6,815 for the entire event.

Ms. Rapp advised that the proposal by Twiin Productions to add a venue charge to their ticket is something that other cities do in some of their larger events to generate revenue on top of the facility use fee. Ms. Rapp said the City has never done it before, because 98 percent of the events put on in parks and beaches are put on by non-profit organizations that are largely working with volunteers and generating revenue to go back to non-profit organizations. She said the Commission could recommend it for larger events that have a greater impact on the City.

Chair Longstreet commented that she doesn't see 13,000 people on West Beach for three days. She said the music could be heard at Gibraltar; profanity was an issue. Ms. Longstreet said that violations of the permit once brought to management's attention, should be rectified and not have to be readdressed during the event. She expressed frustration that the City is being asked to permit an event that has some public safety and public impact concerns, and the City has no way to control it once it starts. Ms. Longstreet stated that the issues need to be addressed in a serious policy discussion before another large event occurs.

Chair Longstreet advised Twiin Productions that they are in charge of what occurs in their venue once the event starts and bad decisions are their responsibility.

Chair Longstreet expressed concern about the fact that the event was a family friendly environment, and the number of complaints about profanity. She also expressed concern about with the controls for the under-aged drinking; no improvements were made over the weekend. Ms. Longstreet stated that it would not have been difficult for event staff to move the fence. She said that the City can't afford to practice with 13,000 people at West Beach. Ms. Longstreet suggested an event with 4,500 people per day event/two-day event.

Chair Longstreet commented that the City policies regarding sound and size, etc., need to be in place before the City moves forward with another event.

Chair Longstreet acknowledged the package Twiin Productions submitted, but said that she is unsure that there is enough time or enough staff to work with them to put on the event.

Commissioner Wiscomb concurred with Chair Longstreet's comments and said that because it is a public safety and welfare issue, there is a big gap between

inside the fence and outside the fence spilling into the neighborhoods affecting the residents and visitors to the City that are not attending the festival. She said those areas, parking, hotels, etc., were not addressed and need to be. Ms. Wiscomb also commented that policies need to be in place that regulate the number of participants at the events and the number of days they go on.

Chair Longstreet commented about the venue fee and the state of the budget, saying that if the number of people goes down, revenue goes down, but, she said the public safety comes first.

Commissioner Burns asked Mr. McGregor if his company did the sound on the event. Mr. McGregor said that his company did the lighting not the sound. Commissioner Burns asked Mr. McGregor whether if he were involved in the event would he be able to deal with the sound issues. Mr. McGregor said he thinks it could be dealt with. He further said he recommended an acoustic consultant for the design of this event. Mr. McGregor said it is difficult working with the City sound policies, because they do not really exist.

Ms. Rapp commented that the City does need to rework the City's noise ordinance as it relates to events, because it is not written to help manage events, particularly music focused events needs. She further said that a scientific study of each of the major event venues needs to be conducted in order to have events work more effectively at managing their sound.

Chair Longstreet said that is true, but there is a big difference in many of the events that are a couple of hours, or an evening, or day. She said it is the intensity of the use that is difficult for the neighborhood. Ms. Longstreet said she does not believe there would have been nearly the number of complaints if the event was only one day.

Commissioner Burns suggested the event be a two-day maximum, 10,000 people, as long as the issues brought up are resolved.

Ms. Rapp said that staff had a discussion about West Beach as a venue. There were a lot of comments from people who live and work in the beachfront area who made a lot of comparisons to AVP as a right size event, which is 4,000 people. She said that in 2008, the West Beach Music Festival had an attendance of 8,500 people and there were some complaints, but not the level of complaints as this year. Ms. Rapp said that in discussions, the Police Department indicated they believe that an 8,500 person event is manageable. She said, however, one factor that significantly affects an event is the band lineup; in 2008 the band lineup was completely different than in 2009. Ms. Rapp said another factor is public tolerance. She said that many people who complained about the event liked the idea of having the event, they simply felt that a three-day event was just too much, particularly going into the evening all three days. Ms. Rapp said the public might tolerate a two-day event, or maybe a three-day event, if it does not go into the evening all three days.

Chair Longstreet asked if there is time to resolve any of the policy issues. Ms. Rapp said she is concerned about the policies; staff know the general parameters that need to be put in place, but time is needed to do that. Ms. Rapp further said she believes the policies will need to go through the public process. She expressed concern that moving forward without policies or before policies are vetted, we could be right back in this position in the future or have another poor experience for the community.

Chair Longstreet expressed concern that the event is in the waterfront and the Harbor Commission has not weighed in.

Mr. Bridley advised that the Harbor Commission does not have purview over permitting for West Beach. He said they would have an opinion, and if the Parks and Recreation Commission would like their input, he is sure they would provide it. Mr. Bridley said the jurisdiction rests with the Parks and Recreation Commission.

Chair Longstreet acknowledged that, but said they need to work together on it because it affects both staffs and budgets.

Ms. Rapp added that there have been two other inquiries for similar events, saying it is important to remember that they are not talking about just one event.

Ms. Rapp indicated that the Department permits events so that the criteria is fair and equitable and applies to everyone the same way; however, there are very specific policies adopted by City Council for the use of Storke Placita and the number of events that can take place in De la Guerra Plaza in a year. She said there are limitations set for some of the facilities for the types of activities that may be held. Ms. Rapp said that staff has determined that policies are needed identifying where these types of events are appropriate and how frequently they can be permitted, so consideration is given to the surrounding neighborhoods.

Chair Longstreet said that opens another policy issue regarding how to be fair in distributing them if only one or two events are going to be permitted a year.

Commissioner Casebeer stated that the Commission needs to take action on the item because Twiin Productions has an economic enterprise on the line and property owners have a lot on the line. He said he agrees the Parks and Recreation Department needs to revisit the policy and fees issue. Mr. Casebeer said that will not occur during this meeting, and it is unfair to submit Twiin Productions to that process.

Commissioner Wiscomb expressed that Twiin Productions did a fine job submitting solutions for mitigation of what happened during the last event; however, this event, and perhaps the other two events that have come before the

Parks and Recreation Department for the same venue, dictate that the Department needs to implement new policies. She stated she does not think it is fair to approve Twiin Productions' permit and put the Department in the position of saying no to someone else.

Commissioner W. Scott Burns moved, seconded by Commissioner Chris Casebeer to allow Twiin Productions to have an event with the maximum of 8,500 people, have it for Friday and Saturday ending at 10:00 p.m., and ending at 7:00 p.m. on Sunday; realizing that there are other issues that need to be worked out and that they would get worked out with staff.

Commissioner Wiscomb asked for clarification as to whether Mr. Burns meant 8,500 people per day. Commissioner Burns responded, yes.

Chair Longstreet asked Mr. Burns what time the event would start.

Commission Burns said Friday 4:00 p.m. until 10:00 p.m.; Saturday Noon until 10:00 p.m.; and Sunday Noon until 7:00 p.m.

Commissioner Burns said he would like Grant McGregor to handle the sound. Chair Longstreet asked Commissioner Burns if that was a condition of his motion. Commissioner Burns said that it was.

Assistant City Attorney Scott Vincent interjected that while he encourages the bringing on of a professional to perform the services, it is not appropriate for the Commission to identify a particular individual to perform those services.

Amendment to the motion:

Commissioner Burns said he would like the motion to also reflect that the sound issues experienced over the past couple of years would be handled in such a way that there would not be many sound issues.

Commissioner Casebeer concurred with the amendment to the motion.

Discussion of amendment to motion:

Commissioner Conner asked whether acoustic professionals are required to have a license. She stated that the Commission expects that a professional of high caliber is hired to perform the job.

Mr. Jeremy Pemberton stated that it would be Twiin Production's intention to use Mr. Grant McGregor if the event were permitted, but the response to Commissioner Conner's question is, yes, there are other qualified candidates they can present. Commissioner Conner said that she just wanted to make sure

the person would be someone of high caliber. Mr. Jeremy Pemberton said, that it would be Mr. McGregor.

Commissioner Wiscomb asked whether parking, traffic, and hotel and resident protection, would be a part of his motion. Commissioner Burns said that Twiin Productions provided the Commission with handouts outlining what they are planning to do in response to what happened last year; he doesn't know if his motion needs to reflect that they will do what the handouts reflect.

Commissioner Casebeer expressed concern about safety. He asked whether Twiin Productions could make it an economically viable event and still provide the adequate protection for the property and surrounding neighborhoods. Chair Longstreet interjected that is a good question, but it can't be answered right now. She said she has the concern also, but Twiin Productions can't provide all the information needed at this point. Chair Longstreet expressed concern about all of the items the Commission is not addressing. She said she will not support the motion.

Final motion:

Commissioner W. Scott Burns moved, seconded by Commissioner Chris Casebeer, and passed 3/2 to allow Twiin Productions to have the 2010 West Beach Music and Arts Festival with a maximum of 8,500 people per day; beginning at 4:00 p.m. and ending at 10:00 p.m. on Friday; beginning at Noon and ending at 10:00 p.m. on Saturday; and beginning at Noon and ending at 7:00 p.m. on Sunday; realizing there are other issues that need to be worked out and that they would get worked out with staff; and, further that the condition be added that Twiin Productions hire a professional acoustical consultant so that the sound issues experienced over the last few years will be handled in such a way that sound issues will be minimal.

Burns/Casebeer/Conner – Yea
Longstreet/Wiscomb - Nay

ADJOURNMENT

At 9:50 p.m., with no further business to be addressed by the Commission,

Commissioner W. Scott Burns moved, seconded by Commissioner Beebe Longstreet, and passed 5/0 to adjourn.

Respectfully submitted,



Nancy L. Rapp
Parks and Recreation Director



ADDENDUM TO FACILITY USE PERMIT

(Preliminary as of 6/24/10)

Permit #: 23841

Permittee: Twiin Productions, Inc.

Event Name: West Beach Music and Arts Festival

Location of Event: West Beach

Event Dates / Times:

<u>Set-up:</u>	<u>Event:</u>	<u>Breakdown:</u>
Mon – Thurs, 9/20 – 9/23/10, 7am – 10pm	Friday, 9/24/10, 4 – 10pm	Fri & Sat, 9/24 – 9/25/10, 10pm – 12mid
Fri, 9/24/10, 7am – 4pm	Saturday, 9/25/10, 12noon – 10pm	Sun, 9/26/10, 7pm – 12mid
Sat & Sun, 9/25 – 9/26/10, 7am – 12pm	Sunday, 9/26/10, 12noon – 7pm	Mon – Wed, 9/27 – 9/29/10, 7am – 10pm

The following are conditions of this permit. Note that these conditions are subject to change if you have changes to your event or additional information comes up at pre-event meetings.

Required Submissions to the City

- All submission due dates must be met by 10:00 am on the date indicated below. Unless otherwise noted, submissions must be made to the Facilities and Special Events Supervisor at the Cabrillo Pavilion Arts Center at 1118 E. Cabrillo Boulevard by email or hard copy.
- A **preliminary** site map, drawn by a professional architect and meeting the requirements of the California Building & Fire Codes, must be received no later than **7/12/10**. This site map must show the total dimensions of the approved festival footprint and all items placed inside the footprint, including but not limited to stages, beer garden, food and merchandise booths, backstage and equipment/vehicle staging, location of lighting, parking of dumpsters, placement of security guards, bicycle valet parking, tent structures, fencing & gates, bleachers, restroom count & areas, an accessible path of travel to all facilities within the Festival footprint, etc. The site map should also show a smaller footprint being used that is commensurate with the smaller attendance that has been approved. After the site map is reviewed and necessary adjustments are made, the **final** site map must be received no later than **8/23/10**. The final site map must be approved by the Police, Fire, Parks and Recreation and Community Development Departments. Once the final site map is approved by City staff, changes cannot be made before or during the festival unless authorized by designated City staff.
- A **preliminary** Comprehensive Event Security Plan must be received by SBPD no later than **7/12/10**. See "Personnel Required" section details of what is included in this plan. The **final** Comprehensive Sound Management Plan must be received no later than **8/23/10**.
- A **preliminary** Comprehensive Sound Management Plan must be received no later than **7/12/10**. This plan must developed by an acoustical/sound engineer and must include, but not limited to, information on the locations of speakers, types of noise limiters and/or equipment used to lessen sound impacts, backings on stages, decibel limits for sound and bass levels event management assigned to oversee sound and curfew requirements, how this plan will be implemented by Twiin Productions-hired sound personnel etc. This plan must also show how profanity by Twiin Productions-hired performers will be mitigated. This plan requires approval by the Community Development, Parks and Recreation and Police Departments. The **final** Comprehensive Sound Management Plan must be received no later than **8/23/10**.
- A **preliminary** Neighborhood Impact Mitigation Plan must be received no later than **7/12/10**. This plan must show how traffic impacts and negative behaviors by festival attendees are avoided, reduced or mitigated in the West Beach neighborhood. The plan requires approval by the Public Works, Waterfront and Police Departments. The **final** Neighborhood Impact Mitigation Plan must be received no later than **8/23/10**.
- Permittee must obtain a "Parking Restriction Waiver Permit" from Public Works in order to post "no parking" signs on Cabrillo Boulevard to create a loading zone on the street for vendors and to park dumpsters. The application for this permit must be submitted to the Public Works/Engineering counter no later than **7/26/10**.
- The certificate of insurance and the accompanying endorsement to the policy must be received no later than **8/9/10**. The certificate of insurance shall identify comprehensive general and automobile liability coverage listing coverage limits of at least five million dollars (\$5,000,000) per occurrence and ten million dollars (\$10,000,000) aggregate, and workers' compensation insurance coverage. Each insurance policy shall provide coverage during all set-up, event and breakdown days. Permittee must be an insured under the policy. The general and automobile liability policies must also list the **City of Santa Barbara, its officers, employees and agents** as additional insured. A copy of the endorsement evidencing that the City has been added as an additional insured on the policy must be attached to the certificate of insurance.
- A Temporary Events Coastal Exemption Permit must be obtained through the Community Development/Planning Department since your event charges admission and has impacts on coastal resources. The application for this permit must be submitted to the Community Development/Planning counter no later than **8/23/10**.

- Permittee must obtain building and electrical permits from the Community Development/Building & Safety Division. The final site map must be submitted to the Community Development/Building & Safety counter above no later than **8/23/10**. The first on-site inspection by Building & Safety will be on **9/22/10** and a final inspection date will be decided at that time.
- The following additional required items must be received no later than **8/23/10** by the department that issues the permit: **1)** Tent permit application to SBFD. **2)** Request for SBPD officers to provide police services to SBPD. **3)** Waterfront Parking application to Waterfront Parking. **4)** Bicycle valet parking service contract to Parks and Recreation.
- Copies of the waste management contracts for the required number of trash and recycling boxes, dumpsters, portable toilets and the contract for the professional cleaning company must be received no later than **9/7/10** by Parks and Recreation.
- Completed vending permit applications must be received no later than **9/7/10** by Finance/Business Licenses for those vendors selling food, beverage, alcohol, merchandise or services.
- Ten (10) all-access passes must be received no later than **9/22/10**. These passes must allow City staff entrance into all areas within the festival footprint, including, but not limited to backstage areas, trailers, etc.
- A final on-site inspection and clearance by the Fire Department will be on **9/23/10**.
- Permittee must provide SBPD with 1 all terrain mule type vehicle with a flat bed for use each day of the event starting **9/24/10**.
- Failure to meet the deadlines for each of the above submissions will result in an administrative fine of \$100 per day per occurrence for every day beyond the deadline date. If deadlines are missed after 5 business days, either the specific permit will not be granted or the City reserves the right to cancel the event.

Rental Area

- The entire festival footprint must be commensurate with the smaller crowd size that has been approved. The entire setup, including the perimeter fencing, backstage and equipment/vehicle staging area, must be on the sand and start 15 feet away from the bike path (aka beachway) and 100 feet away from the green Sea Shell "condo" storage units.
- Perimeter fencing, backstage or equipment/vehicle staging areas cannot enclose the outriggers parked on the sand by Sea Landing or the Seashell boats and their green "condo" storage units. These boats must have a 100 feet minimum corridor in order to access the water.
- Permittee has offered payment to the City of a venue fee charge per ticket. At 8500 maximum capacity for 3 days that revenue is projected at \$97,729 using a formula of 75% one day tickets at \$4 and 25% 3-day tickets at \$10. That amount of money will be paid on deposit to the City two weeks prior to the event and prior to the event permit being issued. Upon review of 3rd party documentation of 2010 event sales, City to refund any balance due permittee.

Set-up, Breakdown and Hours of Operation

- Out of consideration for the motels across the street, the permit start time for each day will be 7:00 am.
- Set-up/breakdown shall not occur outside the hours specified on this permit or additional set-up and/or breakdown fees will be charged.
- Access onto West Beach through the Launch Ramp parking lot driveway on Cabrillo Boulevard will be limited to 18-wheel large tractor-trailer vehicles only. Access through this area must be coordinated with the Waterfront Department 24 hours in advance. All other vehicles and deliveries must come through the main Harbor kiosk entrance.
- Breakdown for the event must be completed by the ending date and time listed above. ALL equipment, discarded materials, trailers and dumpsters must be off the beach in time for inspection. Failure to work within this timeframe may result in additional breakdown fees being withheld from the security deposit.

General Rules and Regulations

- Permittee is limited to an 8,500 festival attendees each day, with SBPD and SBFD reserving the right to limit this number further if deemed necessary at any time due to public safety concerns. Permittee must have a concrete method in place to adhere to this requirement. This number includes volunteers who work in exchange for a free pass into the festival but excludes event staff, music performers and their entourage, sound, lighting and security company personnel, food and merchandise vendors and other personnel working at the festival.
- Permittee must identify, in advance, the total number of volunteers, event staff, music performers and entourage, sound, lighting and security company personnel, food and merchandise vendors and other personnel involved with the festival, including setup, each day of the festival, and breakdown, so that SBFD can ensure the footprint is set for the correct capacity load.
- Permittee is responsible for knowing and complying with the rules, procedures and general information on event management within the City's Special Event Guide. Non-compliance of the rules and procedures may result in termination of the event or loss of the full security deposit.
- Permittee is responsible for making sure that all vendors, staff and event participants know and comply with all park rules.
- If Parks and Recreation is required to remove the nets and lines from the 6 permanent volleyball courts, there is a \$50 per court charge for this removal and re-installation. Note that the court poles will not be removed.

- Nothing may be tied, nailed, thumb-tacked, stapled or duct-taped to trees. This includes tents, canopies and signage.
- During setup and breakdown, event staff and vendors driving ATVs, mules or any other vehicles within the event area must not exceed 10 mph and must use flashers and/or headlights while in operation. If an ATV, mule or other vehicles is driven within the event area while the general public is present, the same speed limit and flashers/headlights requirements must be adhered to, along with an event staff walking in front of the vehicle to ensure everyone's safety. If this condition is not met, permittee will be fined \$50.00 per infraction and permission to use ATVs, mules or any other vehicle on the beach will be rescinded.
- No vehicles are allowed to drive onto the sidewalks. Public Works will inspect the Cabrillo Boulevard sidewalk prior to and after the event and if damage is discovered or an event vendor vehicle is seen on the sidewalk, a \$1,000 fine will be issued. Should damage to the sidewalk exceed \$1,000, Twiin Productions will be responsible for the cost to repair the sidewalk and that amount will be deducted from the security deposit.
- No festival attendees are allowed to park vehicles on West Beach.
- Automated Teller Machines (ATMs) are allowed at public events held on City property under the following conditions: **1)** Location of the ATMs must be designated on the event site map and approved by SBPD. **2)** Location and operation of ATMs must comply with all City ordinances related to use of City property, including parks, streets and sidewalks **3)** No additional fees will be assessed by the City for the opportunity to have an ATM on City premises as part of the event **4)** A complete event application, including insurance certificate and signed indemnification and liability agreement, must be submitted by the event organizer to the appropriate City department and a permit for the event is issued.
- Permittee must arrange for water and electricity since these utilities are not available at this site.
- Festival attendees will not be allowed to go "in" and "out" of the festival in 2010.
- Permittee must comply with California State Law's *Emergency Exit Announcement* since your event will charge admission, your estimated attendance is between 50 – 1,000 people and your stage is over 50' high. Public announcements regarding the location of the emergency exits must be made prior to the beginning of the live entertainment.
- An on-site command center must be set up for City staff, with 1 key Twiin Productions staff member present at all times, with the authority to immediately address and correct any issues or problems brought up by City staff. Failure to comply with City direction and requests in a timely manner may result in the loss of the full security deposit.
- A daily 9:00 am debrief between City staff and Twiin Productions management staff will take place Friday, Saturday and Sunday morning to review the setup prior to the opening of the festival or resolve any issues that occurred the prior day. City staff and Twiin Productions management staff will walk through the site to ensure that no unauthorized changes to the site map are made prior to the gates opening that day.
- Permittee shall comply in a comprehensive and timely fashion with requests by the City in the event of citizen complaints.
- Permittee shall comply with all conditions set forth by the City of Santa Barbara, County of Santa Barbara and State of California departments in regards to permits issued for this event. The failure of the City to enforce a particular condition or provision of a permit shall not constitute a waiver of that condition or provision or its enforceability.

Launch Ramp, Harbor Parking Lot and Private Motel Parking

- Permittee shall not block off spaces in the Harbor parking lot unless permittee has reserved and paid for spaces through Waterfront Parking.
- Annual Waterfront parking permits will be made available to Twiin Productions for \$65 after 9/1/10. Anyone associated with the event that does not purchase and display the annual Waterfront parking permit will be required to pull a ticket at the kiosk when entering the harbor parking lot and pay the normal hourly/daily rate.
- Permittee is required to manage all vehicles driving in and out of the event, backstage and staging areas to minimize blocking of the launch ramp, the western entrance to West Beach and the dredge yard by executive, staff, volunteers, vendors and music performers.
- Staging and loading will not be allowed on Cabrillo Boulevard.
- All performer vehicles and/or band buses must park within the festival area on the beach.
- If permittee intends to reserve City College parking lots for the event, please contact Administrative Services at City College to request permission at (805) 965-0581 x2265. It is recommended that you contact SBCC as soon as possible to make such arrangements.
- Permittee must work with the nearby motels to ensure that the event attendees do not impact their private parking lots by parking or depositing trash on their property.
- Permittee is required to contract with a commercial sweeping company to sweep the sand that gets tracked from the beach into the Launch Ramp area, Harbor parking lot and beachway path during setup, event and breakdown periods.

Food and Merchandise Vendors

- Permittee must ensure that each vendor selling or giving away food or beverages obtains a County Health permit from County Environmental Health. The deadline to submit this application is in accordance with County Health's submission requirements.

- Generators, BBQs & grills must have plywood under them whether they're on sand, turf or asphalt.
- Open flame devices, including cooking equipment, shall not be used inside or within 20 feet of tents.
- Grease is not to be dumped on sidewalk, asphalt, sand or turf areas.
- Placement of refrigeration or beer trucks that stay overnight must be located in a way to minimize the sound impacts to the motels across the street.
- Permittee must ensure that each vendor selling food, beverages, crafts or services obtains a vending permit from the City Finance Department.
- Food and Beverage Concessions Fees: Food and Beverage Concessions will be required to pay a flat rate fee or 10% of their gross sales to the Parks and Recreation Department in accordance with the "Policy Pertaining to Waterfront Events." Gross sales is defined as the entire amount of the price charged, whether wholly or partly for cash, credit or otherwise, for all food and beverage items sold by each food or beverage concession during the 3 days of the festival. Determination of the fee and process for accounting, reconciling and payment for these sales will be determined by the City.

Alcohol and Beer Garden Requirements

- Permittee must obtain an ABC permit from the Alcoholic Beverage Control Board. The deadline to submit this application is in accordance with ABC's submission requirements.
- This event is required to have a "Type 2 beer garden" (excluding cabanas) with the following requirements: **1)** Only one (1) beer garden for the general public will be allowed at the festival in 2010. **2)** Alcoholic beverages other than those provided by the permittee are not allowed within the venue. **3)** Only wine and beer are allowed at this event. Hard liquor is not permitted in city parks and beaches, including the backstage area. **4)** Alcohol can only be served inside the beer garden. The entire perimeter of the beer garden must be enclosed with 1 interior fence and 1 exterior fence. Both fences must be at least 4' high and the exterior fence must be 4' apart from the interior fence, creating a "moat area" so alcohol can't be passed outside the garden. You can also have a single fence instead of the double fencing, but the single fence must be 6' high. **5)** The occupancy of the beer garden (excluding cabanas) will be limited to 850 people at any given time. Turnstile counters must be utilized at the entrance and exit of the beer garden. **6)** The entrance into the beer garden must be staffed during all hours of operation to ensure that no one under the age of 21 enters the event. This includes all personnel, including but not limited to event vendors, event staff, volunteers, alcohol servers, bartenders, etc. **7)** Signs must be posted at the entrance of the beer garden indicating that photo ID's are required to enter and the hours of operation. **8)** All beer garden guests must wear wristbands indicating that their ID's have been checked and the number of drinks they have purchased. **9)** All beer garden servers, pourers, and security must have attended either ABC LEADS training or SBPD sponsored RBS Training. **10)** Glass beverage bottles are not permitted on city beaches, so alcohol must only be served in plastic cups or containers. **11)** The number of drinks served will be limited to 4, 12 ounce cups per person. No individual may purchase more than two alcoholic beverages at a time. **12)** Alcohol service at the event must stop 1 hour prior to the closing time of the event.
- The on-duty SBPD Event Commander may order the sales of alcohol to stop at any time. Examples of circumstances when this may occur are: **1)** Evidence that the wristbanding protocol has been compromised. **2)** An unusually high number of alcohol related citations being issued. **3)** Unauthorized changes to the beer garden set-up. **4)** An inability of event security and staff to adequately control the occupancy or behavior of the beer garden guests.
- For the cabana area, you are approved to have a "Type 1 beer garden where alcohol can be served within the cabana area with no restrictions on age within this area as long as security guards check everyone's IDs prior to entrance to the cabana area, only guests over 21 years of age are allowed to have alcohol and must wear wristbands once their IDs have been checked and the entire cabana area is fenced with the exterior fence 4' apart from the interior fence and signage indicates that alcohol is not allowed beyond this area's fencing.
- See Food and Beverage Concession Fees above.

Amplified Music, Sound and Lighting

- Amplified speakers at each of the stages must directly face towards the ocean unless otherwise specified in the sound management plan approved by the City and music/sound must be kept at the required decibel level. Complaints are subject to compliance with law enforcement or designated City staff.
- City-hired sound monitor(s) will be assigned to the event to ensure requirements for sound/bass decibel levels are met. If sound/bass levels go beyond the requirements, the sound monitor(s) will inform event management personnel or sound mixer/engineer and Twiin Productions is responsible for ensuring that immediate compliance with those requests. The number of monitors will be determined upon review of the preliminary site map and the cost for sound monitors will be charged to the event, with payment required when the park permit fees are due. If the sound monitor(s) have to remind the sound mixer/engineer more than once to turn down the sound/bass levels and does not get immediate and sustained compliance of this requirement, up to \$10,000 per occurrence will be withheld from the security deposit.
- **All music must stop by 10:00 pm on Friday and Saturday and 7:00 pm on Sunday.** Permittee is responsible for informing all event management staff, hired music performers/bands, agents, promoters, sound mixers/engineers and DJs of this requirement. If this curfew is not met, permittee will be charged \$1,000.00 per minute for each minute of non-compliance.
- Since there is no electricity at West Beach, permittee must bring in "movie quiet" generators. No other type of generator will be allowed at this site out of consideration to the nearby hotels and neighborhood.

- Permittee is required to have more lighting within the event area than there was in 2009. Lighting shall be focused on the event area only. Care should be taken to prevent light from spilling over to neighboring motels and businesses.
- Permittee is required to notify SBPD if a searchlight will be used at your event. A Public Works permit for this searchlight may be required.
- Permittee is required to develop and enforce a "morals" clause in their contracts with all performers so that profanity or vulgar language is not broadcast at the festival. Reports of excessive profanity or vulgar language may result in the loss of the full security deposit.

Personnel Required

- The City will assign an on-site event coordinator, at the expense of Twiin Productions, to be on-site during the setup, event and breakdown days, with the event coordinator attending all pre and post-event meetings. These personnel will ensure all conditions of this permit are followed and negative or unanticipated impacts caused by activities during these periods are kept to a minimum.
- If any equipment load-in and load-out needs to cross the bike path/beachway, permittee must have flag people positioned on either side 20 feet before the blocked area to alert the public when the path is blocked. "Beachway path temporarily closed" signs at both ends of the beachway path at West Beach may also be placed as additional notification to the public.
- Overnight security by a professional security guard company is required from Monday, 9/20/10 through Tuesday, 9/28/10. Permittee is required to furnish SBPD staff with the company's PPO license number and the name of the guard along his/her guard card number.
- Security guards are required during the event on Friday, Saturday, and Sunday. Permittee is required to present SBPD staff with a Comprehensive Event Security Plan (preliminary due no later than 6/16/10) for approval that includes the following: **1)** Proof that a contract for security services has been obtained for the event. **2)** The security company's PPO license number and the names of the security guards that will be staffing the event and their guard card numbers. **3)** Evidence that the security company contracted for the event is experienced in concert and alcohol management. **4)** Adequate security guard staffing to perform the following functions: management; line level supervision; manning of entrances, exits, and other fixed posts; patrolling inside the venue and within the beer garden; patrolling the exterior of the venue; conducting searches and identification checks; and to provide relief for security guards who need to take breaks or to assume the responsibilities of those that get involved in other activities.
- As a supplement to event security on Friday, Saturday and Sunday, permittee is required to hire SBPD officers to patrol the event and the West Beach neighborhood. SBPD will determine the number of officers and parking officers required based on the attendance, number of beer gardens, music line-up performing each day and whether there were security and alcohol incidents the prior day.
- The overall security plan must delineate how security personnel will maintain the occupant load during the course of the event. The occupant load must include employees assigned to the area within the boundaries of the venue. SBPD will require a designated on-site manager, who is an employee of Twiin Productions, and is responsible for the entire assembly. If the occupant load is exceeded, a misdemeanor citation will be issued to this manager.
- The City will assign sound monitor(s), at the expense of Twiin Productions, to ensure requirements for sound/bass decibel levels are met. See further details under "Amplified Music, Sound and Lighting" section.

Waste Management, Cleaning and Miscellaneous Requirements

- Permittee shall supply a minimum of 37 regular & 3 handicap accessible portable toilets. Drop-off shall occur no earlier than Monday, 9/20/10 and pick-up shall occur no later than 5:00 pm Wednesday, 9/29/10. Permittee shall have the toilets serviced prior to each day's concert.
- Permittee shall supply 2 roll-off dumpsters, one for trash and one for recycling. Drop-off shall occur no earlier than Monday, 9/20/10 and pick-up shall occur no later than 5:00 pm Wednesday, 9/29/10. Regular servicing of these dumpsters is required and placement shall be within the 10 approved spaces in the Launch Ramp parking lot or on West Beach within the footprint of the event.
- Permittee shall supply a minimum of 70 trash boxes and 70 recycling boxes with lids placed side-by-side throughout the event site. These boxes shall be emptied into the appropriate dumpster throughout the day. All trash and recycling, including what's dumped into the permanent containers on-site, must be emptied into the appropriate dumpster throughout the 3-day event.
- Permittee will be required to hire a professional cleaning service to handle the following: **1)** Pick up trash and recycling litter within the event area during event and breakdown days. **2)** Empty the trash and recycling boxes into the dumpsters as necessary during event days. **3)** Pick up trash and recycling litter outside of the festival area during event and breakdown days. The areas where this must occur is the beach from Stearns Wharf to the Harbor, the beachway path and the sidewalks and curb areas from Castillo to State and Cabrillo to Yanonali. This area may be modified with an approved Resident and Hotel Protection Plan. **4)** Pick up metal stakes, hooks, plywood, zip ties, wooden blocks, etc. left on the beach once the site breakdown has been completed.
- Permittee is required to provide a bicycle valet parking service at the festival.

Temporary Sign Standards

- Permittee shall follow the Temporary Sign Standards for special events in the parks and beaches. A copy of the Temporary Sign Standards can be furnished upon request.

Failure to comply with these conditions may result in termination of the event or loss of all or a portion of the security deposit.

City Emergency Contact Numbers

Park Monitors	(805) 280-5085	Police Dispatch	(805) 897-2410
Park Rangers	(805) 897-1941	Emergency Services	(805) 963-4286

Permit Fees and Security Deposits for West Beach Music Festival (as of 6/24/10)

Permit Fees	Department	Amount
Parks and Recreation Facility Use Permit	Parks and Recreation	\$8,580
Removal & re-installation of volleyball court nets and lines	Parks and Recreation	\$300
City-hired on-site coordinator to attend meetings, oversee setup, event, breakdown phases – estimate 140 hours	Parks and Recreation	\$6,300
City-hired sound monitors to monitor sound at the 3 stages during the 3-day event	Parks and Recreation	\$3,210
SBPD Officers – estimated # of officers assigned to event. Will refund any unused amount	SBPD	\$20,000
Tent Permits – estimate 30 tents @ \$50 per tent	SBFD	\$1,500
SBFD Special Event Permit. Includes evaluation of plans for exiting, occupant load management, fire extinguishers etc. Site inspection required for compliance prior to opening.	SBFD	\$89
SBFD Fire Investigator – None assigned. On-call as needed. In the event of an investigator call out, full cost recovery will be charged to the event.	SBFD	\$0
Reserve parking spaces in Launch Ramp parking lot – estimated 10 spaces at \$65 annual permit rate after 9/1/10	Waterfront	\$650
Parking monitor to staff the Cabrillo Blvd. entrance into Launch Ramp parking lot – estimated 8 hours per day for 6 days	Waterfront	\$720
Parking Restriction Waiver Permits – estimated 150 feet of parking on Cabrillo Boulevard for 9 days	PW/Engineering	\$1,350
Temporary Events Coastal Exemption Application,	CD/Planning & Zoning	\$320
Building & Safety permit for stages, fencing/gates, tent structures and accessibility requirements (Includes 2 weekday inspections, plan check and processing time. Inspections made on a weekend are an additional \$300 for each inspection.)	CD/Building & Safety	\$420
Food and Beverage Concession Fee – In addition to other fees, food and beverage concessions will either pay a flat rate fee per vendor or 10% of their gross sales to the City. Fee payment and process to be determined by the City.	Parks and Recreation	TBD
Vending Permits – estimate 50 selling vendors for 3 days	Finance/Business Licenses	\$1,500
Facility Surcharge to Admission Tickets – Twiin Productions has offered to the City revenue from a \$4 venue surcharge per admission ticket (\$10 on 3-day passes). Revenue estimated at \$97,729 (based on 100% capacity; 75% 1-day passes, 25% 3-day passes) paid on deposit in advance of the event with final reckoning by a 3 rd party within two weeks of the event. City to refund any overpayment.	Parks and Recreation	\$97,729
ALL FEES MUST BE PAID IN FULL TWO WEEKS PRIOR TO EVENT	Permit Fees Sub-Total	\$142,668

Security Deposits	Department	Amount
Administrative fine – \$100 per day for submitting required items past deadline	Parks and Recreation	\$3,000
Administrative fine – \$50 per infraction for reckless driving of ATV, mules, other vehicles on-site	Parks and Recreation	\$500
Administrative fine – \$10,000 per occurrence for non-sustained compliance of sound/bass decibel levels	Parks and Recreation	\$30,000
Administrative fine – \$1,000 per minute beyond music curfew time each day	Parks and Recreation	\$15,000
Administrative fine – \$500 per day for violating any other condition of approval or activity that was not approved	For Department with oversight of condition	\$15,000
Security deposit – for unanticipated damages or permit condition violations	For Department with damage or violation	\$5,000
SECURITY DEPOSIT MUST BE PAID IN FULL TWO WEEKS PRIOR TO EVENT	Security Deposit Sub-Total	\$68,500
TO BE POSTED WITH CITY FINANCE DIRECTOR NOT LESS THAN 30 DAYS PRIOR TO EVENT:	GRAND TOTAL	\$211,168

Submission Deadlines for Required Items (as of 6/24/10)

Due Date & Time	Required Item(s)	Penalty Fine
7/12/10, 10am (10 weeks prior to setup)	<ul style="list-style-type: none"> • Preliminary Site Map • Preliminary Comprehensive Event Security Plan • Preliminary Neighborhood Impact Mitigation Plan • Comprehensive Sound Management Plan for Approval 	<ul style="list-style-type: none"> • \$100 per day after missed deadline, after 5 days, event will not be permitted
7/26/10, 10am (8 weeks prior to setup)	<ul style="list-style-type: none"> • Parking Restriction Waiver Permits 	<ul style="list-style-type: none"> • \$100 per day after missed deadline, after 5 days, no parking of any event vehicles or dumpsters on Cabrillo Boulevard.
8/9/10, 10am (6 weeks prior to setup)	<ul style="list-style-type: none"> • Certificate of Insurance 	<ul style="list-style-type: none"> • \$100 per day after missed deadline, after 5 days, event will not be permitted
8/23/10, 10am (4 weeks prior to setup)	<ul style="list-style-type: none"> • Final Site Map • Final Comprehensive Event Security Plan • Final Neighborhood Impact Mitigation Plan • Final Comprehensive Sound Management Plan • Temporary Events Coastal Exemption Application • Tent Permit from SBFD • Submit final site map and application to Building & Safety for building & electrical permits • Request for SBPD Officers Form • Waterfront Parking Application • Bicycle valet parking service contract 	<ul style="list-style-type: none"> • \$100 per day after missed deadline. After 5 days, event will not be permitted

ATTACHMENT 6

9/7/10, 10am (2 weeks prior to setup)	<ul style="list-style-type: none"> • Contract for trash/recycling boxes, dumpsters, portable toilets • Contract from Professional Cleaning Company • Vending Permit Applications • County Health permit approved • ABC Permit approved • Contract from Commercial Sweeper • Contract from Bicycle Valet Parking Service 	<ul style="list-style-type: none"> • \$100 per day after missed deadline. After 5 days, event will not be permitted
9/22/10, 10am (2 days prior to <u>event</u>)	<ul style="list-style-type: none"> • 10 all-access passes into all areas of festival • 1st inspection by Building & Safety • Final Inspection from Building & Safety – TBD 	<ul style="list-style-type: none"> • \$100 per day after missed deadline
9/23/10, 10am (1 day prior to <u>event</u>)	<ul style="list-style-type: none"> • On-site SBFD final inspection and clearance 	<ul style="list-style-type: none"> • \$100 per day after missed deadline